



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0611

Introduced 2/24/2021, by Sen. Craig Wilcox

SYNOPSIS AS INTRODUCED:

See Index

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Modifies the provisions of the Act to apply to veterans and veteran-owned businesses. Modifies a Section concerning the short title. Changes the title of the Act to the Business Enterprise for Minorities, Women, Veterans, and Persons with Disabilities Act, and makes conforming changes throughout various statutes referencing the title of the Act. Amends the Illinois Procurement Code. Removes a provision concerning procurement preferences for veterans and veteran-owned businesses. Applies administrative penalties for falsely certified businesses to minority-owned businesses, women-owned businesses, veteran-owned businesses, and businesses owned by persons with a disability. Defines terms. Makes conforming changes in various statutes concerning minority-owned businesses, women-owned businesses, veteran-owned businesses, and businesses owned by persons with a disability. Effective immediately.

LRB102 15356 RJF 20716 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 Attorney General Act is amended by changing
5 Section 9 as follows:

6 (15 ILCS 205/9)

7 Sec. 9. Contract aspirational goals. The Attorney General
8 shall establish aspirational goals for contract awards for all
9 contracts for goods and services, not including contracts for
10 services relating to investigations or litigation. These
11 aspirational goals shall be substantially in accordance with
12 the Business Enterprise for Minorities, Women, Veterans, and
13 Persons with Disabilities Act, unless otherwise governed by
14 other law. The Attorney General shall not be subject to the
15 jurisdiction of the Business Enterprise Council established
16 under the Business Enterprise for Minorities, Women, Veterans,
17 and Persons with Disabilities Act with regard to steps taken
18 to achieve aspirational goals. The Attorney General shall
19 annually post information regarding the Office's utilization
20 of businesses owned by minorities, women, veterans, and
21 persons with disabilities during the preceding fiscal year on
22 the Office's Internet websites.

23 (Source: P.A. 100-801, eff. 8-10-18.)

1 Section 10. The Secretary of State Act is amended by
2 changing Section 19 as follows:

3 (15 ILCS 305/19)

4 Sec. 19. Contract aspirational goals. The Secretary of
5 State shall establish aspirational goals for contract awards
6 substantially in accordance with the Business Enterprise for
7 Minorities, Women, Veterans, and Persons with Disabilities
8 Act, unless otherwise governed by other law. The Secretary of
9 State shall not be subject to the jurisdiction of the Business
10 Enterprise Council established under the Business Enterprise
11 for Minorities, Women, Veterans, and Persons with Disabilities
12 Act with regard to steps taken to achieve aspirational goals.
13 The Secretary of State shall annually post the Office's
14 utilization of businesses owned by minorities, women,
15 veterans, and persons with disabilities during the preceding
16 fiscal year on the Office's Internet websites.

17 (Source: P.A. 100-801, eff. 8-10-18.)

18 Section 15. The State Comptroller Act is amended by
19 changing Sections 23.9 and 23.10 as follows:

20 (15 ILCS 405/23.9)

21 Sec. 23.9. Minority Contractor Opportunity Initiative. The
22 State Comptroller Minority Contractor Opportunity Initiative

1 is created to provide greater opportunities for minority-owned
2 businesses, women-owned businesses, veteran-owned businesses,
3 businesses owned by persons with disabilities, and small
4 businesses with 20 or fewer employees in this State to
5 participate in the State procurement process. The initiative
6 shall be administered by the Comptroller. Under this
7 initiative, the Comptroller is responsible for the following:
8 (i) outreach to minority-owned businesses, women-owned
9 businesses, veteran-owned businesses, businesses owned by
10 persons with disabilities, and small businesses capable of
11 providing services to the State; (ii) education of
12 minority-owned businesses, women-owned businesses,
13 veteran-owned businesses, businesses owned by persons with
14 disabilities, and small businesses concerning State
15 contracting and procurement; (iii) notification of
16 minority-owned businesses, women-owned businesses,
17 veteran-owned businesses, businesses owned by persons with
18 disabilities, and small businesses of State contracting
19 opportunities; and (iv) maintenance of an online database of
20 State contracts that identifies the contracts awarded to
21 minority-owned businesses, women-owned businesses,
22 veteran-owned businesses, businesses owned by persons with
23 disabilities, and small businesses that includes the total
24 amount paid by State agencies to contractors and the
25 percentage paid to minority-owned businesses, women-owned
26 businesses, veteran-owned businesses, businesses owned by

1 persons with disabilities, and small businesses.

2 The Business Enterprise Council created under Section 5 of
3 the Business Enterprise for Minorities, Women, Veterans, and
4 Persons with Disabilities Act shall provide the Comptroller
5 with names, Federal Employer Identification Numbers, and
6 designations of Business Enterprise Program certified vendors
7 to fulfill the Comptroller's responsibilities under this
8 Section, including, but not limited to, identification of
9 minority-owned businesses, women-owned businesses,
10 veteran-owned businesses, and businesses owned by persons with
11 disabilities.

12 The Comptroller shall annually prepare and submit a report
13 to the Governor and the General Assembly concerning the
14 progress of this initiative including the following
15 information for the preceding fiscal year: (i) a statement of
16 the total amounts paid by each executive branch agency to
17 contractors since the previous report; (ii) the percentage of
18 the amounts that were paid to minority-owned businesses,
19 women-owned businesses, veteran-owned businesses, businesses
20 owned by persons with disabilities, and small businesses;
21 (iii) the successes achieved and the challenges faced by the
22 Comptroller in operating outreach programs for minorities,
23 women, veterans, persons with disabilities, and small
24 businesses; (iv) the challenges each executive branch agency
25 may face in hiring qualified minority, woman, veteran, and
26 small business employees and employees with disabilities and

1 contracting with qualified minority-owned businesses,
2 women-owned businesses, veteran-owned businesses, businesses
3 owned by persons with disabilities, and small businesses; and
4 (v) any other information, findings, conclusions, and
5 recommendations for legislative or agency action, as the
6 Comptroller deems appropriate.

7 On and after the effective date of this amendatory Act of
8 the 97th General Assembly, any bidder or offeror awarded a
9 contract of \$1,000 or more under Section 20-10, 20-15, 20-25,
10 or 20-30 of the Illinois Procurement Code is required to pay a
11 fee of \$15 to cover expenses related to the administration of
12 this Section. The Comptroller shall deduct the fee from the
13 first check issued to the vendor under the contract and
14 deposit the fee into the Comptroller's Administrative Fund.
15 Contracts administered for statewide orders placed by agencies
16 (commonly referred to as "statewide master contracts") are
17 exempt from this fee.

18 Each Chief Procurement Officer shall provide the
19 Comptroller with names and Federal Employer Identification
20 Numbers of vendors registered in the Illinois Small Business
21 Set Aside Program to aid the Comptroller in fulfilling his or
22 her responsibilities under this Section.

23 (Source: P.A. 99-143, eff. 7-27-15; 100-391, eff. 8-25-17;
24 100-801, eff. 8-10-18.)

1 Sec. 23.10. Contract aspirational goals. The Comptroller
2 shall establish aspirational goals for contract awards
3 substantially in accordance with the Business Enterprise for
4 Minorities, Women, Veterans, and Persons with Disabilities
5 Act, unless otherwise governed by other law. The Comptroller
6 shall not be subject to the jurisdiction of the Business
7 Enterprise Council established under the Business Enterprise
8 for Minorities, Women, Veterans, and Persons with Disabilities
9 Act with regard to steps taken to achieve aspirational goals.
10 The Comptroller shall annually post the Office's utilization
11 of businesses owned by minorities, women, veterans, and
12 persons with disabilities during the preceding fiscal year on
13 the Office's Internet websites.

14 (Source: P.A. 100-801, eff. 8-10-18.)

15 Section 20. The State Treasurer Act is amended by changing
16 Section 30 as follows:

17 (15 ILCS 505/30)

18 Sec. 30. Preferences for veterans, minorities, women, and
19 persons with disabilities.

20 (a) As used in this Section, ~~:(1)~~ the terms "minority
21 person", "woman", "veteran", "person with a disability",
22 "minority-owned business", "women-owned business",
23 "veteran-owned businesses", "business owned by a person with a
24 disability", "armed forces of the United States", and

1 "control" have the meanings provided in Section 2 ~~4~~ of the
2 Business Enterprise for Minorities, Women, Veterans, and
3 Persons with Disabilities Act. ~~and~~

4 ~~(2) the terms "veteran", "qualified veteran owned~~
5 ~~small business", "qualified service disabled~~
6 ~~veteran owned small business", "qualified~~
7 ~~service disabled veteran", and "armed forces of the United~~
8 ~~States" have the meanings provided in Article 1 of the~~
9 ~~Illinois Procurement Code.~~

10 (b) It is hereby declared to be the policy of the State
11 Treasurer to promote and encourage the use of businesses owned
12 by or under the control of qualified veterans of the armed
13 forces of the United States, ~~qualified service disabled~~
14 ~~veterans~~, minority persons, women, or persons with a
15 disability in the area of goods and services. Furthermore, the
16 State Treasurer shall utilize such businesses to the greatest
17 extent feasible within the bounds of financial and fiduciary
18 prudence, and take affirmative steps to remove any barriers to
19 the full participation of such firms in the procurement and
20 contracting opportunities afforded.

21 (c) It shall be an aspirational goal of the State
22 Treasurer to use businesses owned by or under the control of
23 qualified veterans of the armed forces of the United States,
24 ~~qualified service disabled veterans~~, minority persons, women,
25 or persons with a disability for not less than 25% of the total
26 dollar amount of funds under management, purchases of

1 investment securities, and other contracts, including, but not
2 limited to, the use of broker-dealers. The State Treasurer is
3 authorized to establish additional aspirational goals.

4 (d) When the State Treasurer procures goods and services,
5 whether through a request for proposal or otherwise, he or she
6 is authorized to incorporate preferences in the scoring
7 process for: (1) a minority-owned business, a women-owned
8 business, a business owned by a person with a disability, or a
9 ~~qualified~~ veteran-owned ~~small~~ business, ~~or a qualified~~
10 ~~service disabled veteran owned small business;~~ and (2)
11 businesses having a record of support for increasing diversity
12 and inclusion in board membership, management, employment,
13 philanthropy, and supplier diversity, including investment
14 professionals and investment sourcing.

15 When the State Treasurer utilizes a financial institution
16 or determines the eligibility of a financial institution to
17 participate in a banking contract, investment contract,
18 investment activity, or other financial program of the State
19 Treasurer, he or she shall review the financial institution's
20 Community Reinvestment Act rating, record, and current level
21 of financial commitment to the community prior to making a
22 decision to utilize or determine the eligibility of such
23 financial institution.

24 (e) Beginning with fiscal year 2019, and at least annually
25 thereafter, the State Treasurer shall report on his or her
26 utilization of minority-owned businesses, women-owned

1 businesses, businesses owned by a person with a disability,
2 and ~~qualified~~ veteran-owned ~~small~~ businesses, ~~or qualified~~
3 ~~service-disabled veteran-owned small businesses~~. The report
4 shall be published on the State Treasurer's official website.

5 (f) The provisions of this Section take precedence over
6 any goals established under the Business Enterprise for
7 Minorities, Women, Veterans, and Persons with Disabilities
8 Act.

9 (Source: P.A. 100-969, eff. 8-19-18.)

10 Section 25. The Department of Commerce and Economic
11 Opportunity Law of the Civil Administrative Code of Illinois
12 is amended by changing Section 605-1020 as follows:

13 (20 ILCS 605/605-1020)

14 Sec. 605-1020. Entrepreneur Learner's Permit pilot
15 program.

16 (a) Subject to appropriation, there is hereby established
17 an Entrepreneur Learner's Permit pilot program that shall be
18 administered by the Department beginning on July 1 of the
19 first fiscal year for which an appropriation of State moneys
20 is made for that purpose and continuing for the next 2
21 immediately succeeding fiscal years; however, the Department
22 is not required to administer the program in any fiscal year
23 for which such an appropriation has not been made. The purpose
24 of the program shall be to encourage and assist beginning

1 entrepreneurs in starting new businesses by providing
2 reimbursements to those entrepreneurs for any State filing,
3 permitting, or licensing fees associated with the formation of
4 such a business in the State.

5 (b) Applicants for participation in the Entrepreneur
6 Learner's Permit pilot program shall apply to the Department,
7 in a form and manner prescribed by the Department, within one
8 year after the formation of the business for which the
9 entrepreneur seeks reimbursement of those fees. The Department
10 shall adopt rules for the review and approval of applications,
11 provided that it (1) shall give priority to applicants who are
12 women, veterans, ~~or~~ minority persons, or persons with a
13 disability ~~or both~~, and (2) shall not approve any application
14 by a person who will not be a beginning entrepreneur.
15 Reimbursements under this Section shall be provided in the
16 manner determined by the Department. In no event shall an
17 applicant apply for participation in the program more than 3
18 times.

19 (c) The aggregate amount of all reimbursements provided by
20 the Department pursuant to this Section shall not exceed
21 \$500,000 in any State fiscal year.

22 (d) On or before February 1 of the last calendar year
23 during which the pilot program is in effect, the Department
24 shall submit a report to the Governor and the General Assembly
25 on the cumulative effectiveness of the Entrepreneur Learner's
26 Permit pilot program. The review shall include, but not be

1 limited to, the number and type of businesses that were formed
2 in connection with the pilot program, the current status of
3 each business formed in connection with the pilot program, the
4 number of employees employed by each such business, the
5 economic impact to the State from the pilot program, the
6 satisfaction of participants in the pilot program, and a
7 recommendation as to whether the program should be continued.
8 The report to the General Assembly shall be filed with the
9 Clerk of the House of Representatives and the Secretary of the
10 Senate in electronic form only, in the manner that the Clerk
11 and the Secretary shall direct.

12 (e) As used in this Section:

13 "Beginning entrepreneur" means an individual who, at
14 the time he or she applies for participation in the
15 program, has less than 5 years of experience as a business
16 owner and is not a current business owner.

17 "Woman", "veteran", ~~and~~ "minority person", and "person
18 with a disability" have the meanings given to those terms
19 in the Business Enterprise for Minorities, Women,
20 Veterans, and Persons with Disabilities Act.

21 (Source: P.A. 100-541, eff. 11-7-17; 100-785, eff. 8-10-18;
22 100-863, eff. 8-14-18; 101-81, eff. 7-12-19.)

23 Section 30. The Illinois Enterprise Zone Act is amended by
24 changing Section 4 as follows:

1 (20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

2 Sec. 4. Qualifications for enterprise zones.

3 (1) An area is qualified to become an enterprise zone
4 which:

5 (a) is a contiguous area, provided that a zone area
6 may exclude wholly surrounded territory within its
7 boundaries;

8 (b) comprises a minimum of one-half square mile and
9 not more than 12 square miles, or 15 square miles if the
10 zone is located within the jurisdiction of 4 or more
11 counties or municipalities, in total area, exclusive of
12 lakes and waterways; however, in such cases where the
13 enterprise zone is a joint effort of three or more units of
14 government, or two or more units of government if situated
15 in a township which is divided by a municipality of
16 1,000,000 or more inhabitants, and where the certification
17 has been in effect at least one year, the total area shall
18 comprise a minimum of one-half square mile and not more
19 than thirteen square miles in total area exclusive of
20 lakes and waterways;

21 (c) (blank);

22 (d) (blank);

23 (e) is (1) entirely within a municipality or (2)
24 entirely within the unincorporated areas of a county,
25 except where reasonable need is established for such zone
26 to cover portions of more than one municipality or county

1 or (3) both comprises (i) all or part of a municipality and
2 (ii) an unincorporated area of a county; and

3 (f) meets 3 or more of the following criteria:

4 (1) all or part of the local labor market area has
5 had an annual average unemployment rate of at least
6 120% of the State's annual average unemployment rate
7 for the most recent calendar year or the most recent
8 fiscal year as reported by the Department of
9 Employment Security;

10 (2) designation will result in the development of
11 substantial employment opportunities by creating or
12 retaining a minimum aggregate of 1,000 full-time
13 equivalent jobs due to an aggregate investment of
14 \$100,000,000 or more, and will help alleviate the
15 effects of poverty and unemployment within the local
16 labor market area;

17 (3) all or part of the local labor market area has
18 a poverty rate of at least 20% according to the latest
19 federal decennial census, 50% or more of children in
20 the local labor market area participate in the federal
21 free lunch program according to reported statistics
22 from the State Board of Education, or 20% or more
23 households in the local labor market area receive food
24 stamps according to the latest federal decennial
25 census;

26 (4) an abandoned coal mine, a brownfield (as

1 defined in Section 58.2 of the Environmental
2 Protection Act), or an inactive nuclear-powered
3 electrical generation facility where spent nuclear
4 fuel is stored on-site is located in the proposed zone
5 area, or all or a portion of the proposed zone was
6 declared a federal disaster area in the 3 years
7 preceding the date of application;

8 (5) the local labor market area contains a
9 presence of large employers that have downsized over
10 the years, the labor market area has experienced plant
11 closures in the 5 years prior to the date of
12 application affecting more than 50 workers, or the
13 local labor market area has experienced State or
14 federal facility closures in the 5 years prior to the
15 date of application affecting more than 50 workers;

16 (6) based on data from Multiple Listing Service
17 information or other suitable sources, the local labor
18 market area contains a high floor vacancy rate of
19 industrial or commercial properties, vacant or
20 demolished commercial and industrial structures are
21 prevalent in the local labor market area, or
22 industrial structures in the local labor market area
23 are not used because of age, deterioration, relocation
24 of the former occupants, or cessation of operation;

25 (7) the applicant demonstrates a substantial plan
26 for using the designation to improve the State and

1 local government tax base, including income, sales,
2 and property taxes;

3 (8) significant public infrastructure is present
4 in the local labor market area in addition to a plan
5 for infrastructure development and improvement;

6 (9) high schools or community colleges located
7 within the local labor market area are engaged in ACT
8 Work Keys, Manufacturing Skills Standard
9 Certification, or other industry-based credentials
10 that prepare students for careers;

11 (10) the change in equalized assessed valuation of
12 industrial and/or commercial properties in the 5 years
13 prior to the date of application is equal to or less
14 than 50% of the State average change in equalized
15 assessed valuation for industrial and/or commercial
16 properties, as applicable, for the same period of
17 time; or

18 (11) the applicant demonstrates a substantial plan
19 for using the designation to encourage: (i)
20 participation by businesses owned by minorities,
21 women, veterans, and persons with disabilities, as
22 those terms are defined in the Business Enterprise for
23 Minorities, Women, Veterans, and Persons with
24 Disabilities Act; and (ii) the hiring of minorities,
25 women, and persons with disabilities.

26 As provided in Section 10-5.3 of the River Edge

1 Redevelopment Zone Act, upon the expiration of the term of
2 each River Edge Redevelopment Zone in existence on August 7,
3 2012 (the effective date of Public Act 97-905), that River
4 Edge Redevelopment Zone will become available for its previous
5 designee or a new applicant to compete for designation as an
6 enterprise zone. No preference for designation will be given
7 to the previous designee of the zone.

8 (2) Any criteria established by the Department or by law
9 which utilize the rate of unemployment for a particular area
10 shall provide that all persons who are not presently employed
11 and have exhausted all unemployment benefits shall be
12 considered unemployed, whether or not such persons are
13 actively seeking employment.

14 (Source: P.A. 100-838, eff. 8-13-18; 100-1149, eff. 12-14-18;
15 101-81, eff. 7-12-19.)

16 Section 35. The Illinois Lottery Law is amended by
17 changing Section 9.1 as follows:

18 (20 ILCS 1605/9.1)

19 Sec. 9.1. Private manager and management agreement.

20 (a) As used in this Section:

21 "Offeror" means a person or group of persons that responds
22 to a request for qualifications under this Section.

23 "Request for qualifications" means all materials and
24 documents prepared by the Department to solicit the following

1 from offerors:

2 (1) Statements of qualifications.

3 (2) Proposals to enter into a management agreement,
4 including the identity of any prospective vendor or
5 vendors that the offeror intends to initially engage to
6 assist the offeror in performing its obligations under the
7 management agreement.

8 "Final offer" means the last proposal submitted by an
9 offeror in response to the request for qualifications,
10 including the identity of any prospective vendor or vendors
11 that the offeror intends to initially engage to assist the
12 offeror in performing its obligations under the management
13 agreement.

14 "Final offeror" means the offeror ultimately selected by
15 the Governor to be the private manager for the Lottery under
16 subsection (h) of this Section.

17 (b) By September 15, 2010, the Governor shall select a
18 private manager for the total management of the Lottery with
19 integrated functions, such as lottery game design, supply of
20 goods and services, and advertising and as specified in this
21 Section.

22 (c) Pursuant to the terms of this subsection, the
23 Department shall endeavor to expeditiously terminate the
24 existing contracts in support of the Lottery in effect on July
25 13, 2009 (the effective date of Public Act 96-37) ~~this~~
26 ~~amendatory Act of the 96th General Assembly~~ in connection with

1 the selection of the private manager. As part of its
2 obligation to terminate these contracts and select the private
3 manager, the Department shall establish a mutually agreeable
4 timetable to transfer the functions of existing contractors to
5 the private manager so that existing Lottery operations are
6 not materially diminished or impaired during the transition.
7 To that end, the Department shall do the following:

8 (1) where such contracts contain a provision
9 authorizing termination upon notice, the Department shall
10 provide notice of termination to occur upon the mutually
11 agreed timetable for transfer of functions;

12 (2) upon the expiration of any initial term or renewal
13 term of the current Lottery contracts, the Department
14 shall not renew such contract for a term extending beyond
15 the mutually agreed timetable for transfer of functions;

16 or

17 (3) in the event any current contract provides for
18 termination of that contract upon the implementation of a
19 contract with the private manager, the Department shall
20 perform all necessary actions to terminate the contract on
21 the date that coincides with the mutually agreed timetable
22 for transfer of functions.

23 If the contracts to support the current operation of the
24 Lottery in effect on July 13, 2009 (the effective date of
25 Public Act 96-34) ~~this amendatory Act of the 96th General~~
26 ~~Assembly~~ are not subject to termination as provided for in

1 this subsection (c), then the Department may include a
2 provision in the contract with the private manager specifying
3 a mutually agreeable methodology for incorporation.

4 (c-5) The Department shall include provisions in the
5 management agreement whereby the private manager shall, for a
6 fee, and pursuant to a contract negotiated with the Department
7 (the "Employee Use Contract"), utilize the services of current
8 Department employees to assist in the administration and
9 operation of the Lottery. The Department shall be the employer
10 of all such bargaining unit employees assigned to perform such
11 work for the private manager, and such employees shall be
12 State employees, as defined by the Personnel Code. Department
13 employees shall operate under the same employment policies,
14 rules, regulations, and procedures, as other employees of the
15 Department. In addition, neither historical representation
16 rights under the Illinois Public Labor Relations Act, nor
17 existing collective bargaining agreements, shall be disturbed
18 by the management agreement with the private manager for the
19 management of the Lottery.

20 (d) The management agreement with the private manager
21 shall include all of the following:

22 (1) A term not to exceed 10 years, including any
23 renewals.

24 (2) A provision specifying that the Department:

25 (A) shall exercise actual control over all
26 significant business decisions;

1 (A-5) has the authority to direct or countermand
2 operating decisions by the private manager at any
3 time;

4 (B) has ready access at any time to information
5 regarding Lottery operations;

6 (C) has the right to demand and receive
7 information from the private manager concerning any
8 aspect of the Lottery operations at any time; and

9 (D) retains ownership of all trade names,
10 trademarks, and intellectual property associated with
11 the Lottery.

12 (3) A provision imposing an affirmative duty on the
13 private manager to provide the Department with material
14 information and with any information the private manager
15 reasonably believes the Department would want to know to
16 enable the Department to conduct the Lottery.

17 (4) A provision requiring the private manager to
18 provide the Department with advance notice of any
19 operating decision that bears significantly on the public
20 interest, including, but not limited to, decisions on the
21 kinds of games to be offered to the public and decisions
22 affecting the relative risk and reward of the games being
23 offered, so the Department has a reasonable opportunity to
24 evaluate and countermand that decision.

25 (5) A provision providing for compensation of the
26 private manager that may consist of, among other things, a

1 fee for services and a performance based bonus as
2 consideration for managing the Lottery, including terms
3 that may provide the private manager with an increase in
4 compensation if Lottery revenues grow by a specified
5 percentage in a given year.

6 (6) (Blank).

7 (7) A provision requiring the deposit of all Lottery
8 proceeds to be deposited into the State Lottery Fund
9 except as otherwise provided in Section 20 of this Act.

10 (8) A provision requiring the private manager to
11 locate its principal office within the State.

12 (8-5) A provision encouraging that at least 20% of the
13 cost of contracts entered into for goods and services by
14 the private manager in connection with its management of
15 the Lottery, other than contracts with sales agents or
16 technical advisors, be awarded to businesses that are a
17 minority-owned business, a women-owned business,
18 veteran-owned business, or a business owned by a person
19 with disability, as those terms are defined in the
20 Business Enterprise for Minorities, Women, Veterans, and
21 Persons with Disabilities Act.

22 (9) A requirement that so long as the private manager
23 complies with all the conditions of the agreement under
24 the oversight of the Department, the private manager shall
25 have the following duties and obligations with respect to
26 the management of the Lottery:

1 (A) The right to use equipment and other assets
2 used in the operation of the Lottery.

3 (B) The rights and obligations under contracts
4 with retailers and vendors.

5 (C) The implementation of a comprehensive security
6 program by the private manager.

7 (D) The implementation of a comprehensive system
8 of internal audits.

9 (E) The implementation of a program by the private
10 manager to curb compulsive gambling by persons playing
11 the Lottery.

12 (F) A system for determining (i) the type of
13 Lottery games, (ii) the method of selecting winning
14 tickets, (iii) the manner of payment of prizes to
15 holders of winning tickets, (iv) the frequency of
16 drawings of winning tickets, (v) the method to be used
17 in selling tickets, (vi) a system for verifying the
18 validity of tickets claimed to be winning tickets,
19 (vii) the basis upon which retailer commissions are
20 established by the manager, and (viii) minimum
21 payouts.

22 (10) A requirement that advertising and promotion must
23 be consistent with Section 7.8a of this Act.

24 (11) A requirement that the private manager market the
25 Lottery to those residents who are new, infrequent, or
26 lapsed players of the Lottery, especially those who are

1 most likely to make regular purchases on the Internet as
2 permitted by law.

3 (12) A code of ethics for the private manager's
4 officers and employees.

5 (13) A requirement that the Department monitor and
6 oversee the private manager's practices and take action
7 that the Department considers appropriate to ensure that
8 the private manager is in compliance with the terms of the
9 management agreement, while allowing the manager, unless
10 specifically prohibited by law or the management
11 agreement, to negotiate and sign its own contracts with
12 vendors.

13 (14) A provision requiring the private manager to
14 periodically file, at least on an annual basis,
15 appropriate financial statements in a form and manner
16 acceptable to the Department.

17 (15) Cash reserves requirements.

18 (16) Procedural requirements for obtaining the prior
19 approval of the Department when a management agreement or
20 an interest in a management agreement is sold, assigned,
21 transferred, or pledged as collateral to secure financing.

22 (17) Grounds for the termination of the management
23 agreement by the Department or the private manager.

24 (18) Procedures for amendment of the agreement.

25 (19) A provision requiring the private manager to
26 engage in an open and competitive bidding process for any

1 procurement having a cost in excess of \$50,000 that is not
2 a part of the private manager's final offer. The process
3 shall favor the selection of a vendor deemed to have
4 submitted a proposal that provides the Lottery with the
5 best overall value. The process shall not be subject to
6 the provisions of the Illinois Procurement Code, unless
7 specifically required by the management agreement.

8 (20) The transition of rights and obligations,
9 including any associated equipment or other assets used in
10 the operation of the Lottery, from the manager to any
11 successor manager of the lottery, including the
12 Department, following the termination of or foreclosure
13 upon the management agreement.

14 (21) Right of use of copyrights, trademarks, and
15 service marks held by the Department in the name of the
16 State. The agreement must provide that any use of them by
17 the manager shall only be for the purpose of fulfilling
18 its obligations under the management agreement during the
19 term of the agreement.

20 (22) The disclosure of any information requested by
21 the Department to enable it to comply with the reporting
22 requirements and information requests provided for under
23 subsection (p) of this Section.

24 (e) Notwithstanding any other law to the contrary, the
25 Department shall select a private manager through a
26 competitive request for qualifications process consistent with

1 Section 20-35 of the Illinois Procurement Code, which shall
2 take into account:

3 (1) the offeror's ability to market the Lottery to
4 those residents who are new, infrequent, or lapsed players
5 of the Lottery, especially those who are most likely to
6 make regular purchases on the Internet;

7 (2) the offeror's ability to address the State's
8 concern with the social effects of gambling on those who
9 can least afford to do so;

10 (3) the offeror's ability to provide the most
11 successful management of the Lottery for the benefit of
12 the people of the State based on current and past business
13 practices or plans of the offeror; and

14 (4) the offeror's poor or inadequate past performance
15 in servicing, equipping, operating or managing a lottery
16 on behalf of Illinois, another State or foreign government
17 and attracting persons who are not currently regular
18 players of a lottery.

19 (f) The Department may retain the services of an advisor
20 or advisors with significant experience in financial services
21 or the management, operation, and procurement of goods,
22 services, and equipment for a government-run lottery to assist
23 in the preparation of the terms of the request for
24 qualifications and selection of the private manager. Any
25 prospective advisor seeking to provide services under this
26 subsection (f) shall disclose any material business or

1 financial relationship during the past 3 years with any
2 potential offeror, or with a contractor or subcontractor
3 presently providing goods, services, or equipment to the
4 Department to support the Lottery. The Department shall
5 evaluate the material business or financial relationship of
6 each prospective advisor. The Department shall not select any
7 prospective advisor with a substantial business or financial
8 relationship that the Department deems to impair the
9 objectivity of the services to be provided by the prospective
10 advisor. During the course of the advisor's engagement by the
11 Department, and for a period of one year thereafter, the
12 advisor shall not enter into any business or financial
13 relationship with any offeror or any vendor identified to
14 assist an offeror in performing its obligations under the
15 management agreement. Any advisor retained by the Department
16 shall be disqualified from being an offeror. The Department
17 shall not include terms in the request for qualifications that
18 provide a material advantage whether directly or indirectly to
19 any potential offeror, or any contractor or subcontractor
20 presently providing goods, services, or equipment to the
21 Department to support the Lottery, including terms contained
22 in previous responses to requests for proposals or
23 qualifications submitted to Illinois, another State or foreign
24 government when those terms are uniquely associated with a
25 particular potential offeror, contractor, or subcontractor.
26 The request for proposals offered by the Department on

1 December 22, 2008 as "LOT08GAMESYS" and reference number
2 "22016176" is declared void.

3 (g) The Department shall select at least 2 offerors as
4 finalists to potentially serve as the private manager no later
5 than August 9, 2010. Upon making preliminary selections, the
6 Department shall schedule a public hearing on the finalists'
7 proposals and provide public notice of the hearing at least 7
8 calendar days before the hearing. The notice must include all
9 of the following:

10 (1) The date, time, and place of the hearing.

11 (2) The subject matter of the hearing.

12 (3) A brief description of the management agreement to
13 be awarded.

14 (4) The identity of the offerors that have been
15 selected as finalists to serve as the private manager.

16 (5) The address and telephone number of the
17 Department.

18 (h) At the public hearing, the Department shall (i)
19 provide sufficient time for each finalist to present and
20 explain its proposal to the Department and the Governor or the
21 Governor's designee, including an opportunity to respond to
22 questions posed by the Department, Governor, or designee and
23 (ii) allow the public and non-selected offerors to comment on
24 the presentations. The Governor or a designee shall attend the
25 public hearing. After the public hearing, the Department shall
26 have 14 calendar days to recommend to the Governor whether a

1 management agreement should be entered into with a particular
2 finalist. After reviewing the Department's recommendation, the
3 Governor may accept or reject the Department's recommendation,
4 and shall select a final offeror as the private manager by
5 publication of a notice in the Illinois Procurement Bulletin
6 on or before September 15, 2010. The Governor shall include in
7 the notice a detailed explanation and the reasons why the
8 final offeror is superior to other offerors and will provide
9 management services in a manner that best achieves the
10 objectives of this Section. The Governor shall also sign the
11 management agreement with the private manager.

12 (i) Any action to contest the private manager selected by
13 the Governor under this Section must be brought within 7
14 calendar days after the publication of the notice of the
15 designation of the private manager as provided in subsection
16 (h) of this Section.

17 (j) The Lottery shall remain, for so long as a private
18 manager manages the Lottery in accordance with provisions of
19 this Act, a Lottery conducted by the State, and the State shall
20 not be authorized to sell or transfer the Lottery to a third
21 party.

22 (k) Any tangible personal property used exclusively in
23 connection with the lottery that is owned by the Department
24 and leased to the private manager shall be owned by the
25 Department in the name of the State and shall be considered to
26 be public property devoted to an essential public and

1 governmental function.

2 (l) The Department may exercise any of its powers under
3 this Section or any other law as necessary or desirable for the
4 execution of the Department's powers under this Section.

5 (m) Neither this Section nor any management agreement
6 entered into under this Section prohibits the General Assembly
7 from authorizing forms of gambling that are not in direct
8 competition with the Lottery. The forms of gambling authorized
9 by Public Act 101-31 ~~this amendatory Act of the 101st General~~
10 ~~Assembly~~ constitute authorized forms of gambling that are not
11 in direct competition with the Lottery.

12 (n) The private manager shall be subject to a complete
13 investigation in the third, seventh, and tenth years of the
14 agreement (if the agreement is for a 10-year term) by the
15 Department in cooperation with the Auditor General to
16 determine whether the private manager has complied with this
17 Section and the management agreement. The private manager
18 shall bear the cost of an investigation or reinvestigation of
19 the private manager under this subsection.

20 (o) The powers conferred by this Section are in addition
21 and supplemental to the powers conferred by any other law. If
22 any other law or rule is inconsistent with this Section,
23 including, but not limited to, provisions of the Illinois
24 Procurement Code, then this Section controls as to any
25 management agreement entered into under this Section. This
26 Section and any rules adopted under this Section contain full

1 and complete authority for a management agreement between the
2 Department and a private manager. No law, procedure,
3 proceeding, publication, notice, consent, approval, order, or
4 act by the Department or any other officer, Department,
5 agency, or instrumentality of the State or any political
6 subdivision is required for the Department to enter into a
7 management agreement under this Section. This Section contains
8 full and complete authority for the Department to approve any
9 contracts entered into by a private manager with a vendor
10 providing goods, services, or both goods and services to the
11 private manager under the terms of the management agreement,
12 including subcontractors of such vendors.

13 Upon receipt of a written request from the Chief
14 Procurement Officer, the Department shall provide to the Chief
15 Procurement Officer a complete and un-redacted copy of the
16 management agreement or any contract that is subject to the
17 Department's approval authority under this subsection (o). The
18 Department shall provide a copy of the agreement or contract
19 to the Chief Procurement Officer in the time specified by the
20 Chief Procurement Officer in his or her written request, but
21 no later than 5 business days after the request is received by
22 the Department. The Chief Procurement Officer must retain any
23 portions of the management agreement or of any contract
24 designated by the Department as confidential, proprietary, or
25 trade secret information in complete confidence pursuant to
26 subsection (g) of Section 7 of the Freedom of Information Act.

1 The Department shall also provide the Chief Procurement
2 Officer with reasonable advance written notice of any contract
3 that is pending Department approval.

4 Notwithstanding any other provision of this Section to the
5 contrary, the Chief Procurement Officer shall adopt
6 administrative rules, including emergency rules, to establish
7 a procurement process to select a successor private manager if
8 a private management agreement has been terminated. The
9 selection process shall at a minimum take into account the
10 criteria set forth in items (1) through (4) of subsection (e)
11 of this Section and may include provisions consistent with
12 subsections (f), (g), (h), and (i) of this Section. The Chief
13 Procurement Officer shall also implement and administer the
14 adopted selection process upon the termination of a private
15 management agreement. The Department, after the Chief
16 Procurement Officer certifies that the procurement process has
17 been followed in accordance with the rules adopted under this
18 subsection (o), shall select a final offeror as the private
19 manager and sign the management agreement with the private
20 manager.

21 Except as provided in Sections 21.5, 21.6, 21.7, 21.8,
22 21.9, 21.10, 21.11, 21.12, and 21.13, the Department shall
23 distribute all proceeds of lottery tickets and shares sold in
24 the following priority and manner:

- 25 (1) The payment of prizes and retailer bonuses.
26 (2) The payment of costs incurred in the operation and

1 administration of the Lottery, including the payment of
2 sums due to the private manager under the management
3 agreement with the Department.

4 (3) On the last day of each month or as soon thereafter
5 as possible, the State Comptroller shall direct and the
6 State Treasurer shall transfer from the State Lottery Fund
7 to the Common School Fund an amount that is equal to the
8 proceeds transferred in the corresponding month of fiscal
9 year 2009, as adjusted for inflation, to the Common School
10 Fund.

11 (4) On or before September 30 of each fiscal year,
12 deposit any estimated remaining proceeds from the prior
13 fiscal year, subject to payments under items (1), (2), and
14 (3), into the Capital Projects Fund. Beginning in fiscal
15 year 2019, the amount deposited shall be increased or
16 decreased each year by the amount the estimated payment
17 differs from the amount determined from each year-end
18 financial audit. Only remaining net deficits from prior
19 fiscal years may reduce the requirement to deposit these
20 funds, as determined by the annual financial audit.

21 (p) The Department shall be subject to the following
22 reporting and information request requirements:

23 (1) the Department shall submit written quarterly
24 reports to the Governor and the General Assembly on the
25 activities and actions of the private manager selected
26 under this Section;

1 (2) upon request of the Chief Procurement Officer, the
2 Department shall promptly produce information related to
3 the procurement activities of the Department and the
4 private manager requested by the Chief Procurement
5 Officer; the Chief Procurement Officer must retain
6 confidential, proprietary, or trade secret information
7 designated by the Department in complete confidence
8 pursuant to subsection (g) of Section 7 of the Freedom of
9 Information Act; and

10 (3) at least 30 days prior to the beginning of the
11 Department's fiscal year, the Department shall prepare an
12 annual written report on the activities of the private
13 manager selected under this Section and deliver that
14 report to the Governor and General Assembly.

15 (Source: P.A. 100-391, eff. 8-25-17; 100-587, eff. 6-4-18;
16 100-647, eff. 7-30-18; 100-1068, eff. 8-24-18; 101-31, eff.
17 6-28-19; 101-81, eff. 7-12-19; 101-561, eff. 8-23-19; revised
18 10-21-19.)

19 Section 40. The Department of Transportation Law of the
20 Civil Administrative Code of Illinois is amended by changing
21 Section 2705-585 as follows:

22 (20 ILCS 2705/2705-585)

23 Sec. 2705-585. Diversity goals.

24 (a) To the extent permitted by any applicable federal law

1 or regulation, all State construction projects funded from
2 amounts (i) made available under the Governor's Fiscal Year
3 2009 supplemental budget or the American Recovery and
4 Reinvestment Act of 2009 and (ii) that are appropriated to the
5 Illinois Department of Transportation shall comply with the
6 Business Enterprise for Minorities, Women, Veterans, and
7 Persons with Disabilities Act.

8 (b) The Illinois Department of Transportation shall
9 appoint representatives to professional and artistic services
10 selection committees representative of the State's ethnic,
11 cultural, and geographic diversity, including, but not limited
12 to, at least one person from each of the following: an
13 association representing the interests of African American
14 business owners, an association representing the interests of
15 Latino business owners, and an association representing the
16 interests of women business owners. These committees shall
17 comply with all requirements of the Open Meetings Act.

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

19 Section 45. The Capital Development Board Act is amended
20 by changing Section 16 as follows:

21 (20 ILCS 3105/16) (from Ch. 127, par. 783b)

22 Sec. 16. (a) In addition to any other power granted in this
23 Act to adopt rules or regulations, the Board may adopt
24 regulations or rules relating to the issuance or renewal of

1 the prequalification of an architect, engineer or contractor
2 or the suspension or modification of the prequalification of
3 any such person or entity including, without limitation, an
4 interim or emergency suspension or modification without a
5 hearing founded on any one or more of the bases set forth in
6 this Section.

7 (b) Among the bases for an interim or emergency suspension
8 or modification of prequalification are:

9 (1) A finding by the Board that the public interest,
10 safety or welfare requires a summary suspension or
11 modification of a prequalification without hearings.

12 (2) The occurrence of an event or series of events
13 which, in the Board's opinion, warrants a summary
14 suspension or modification of a prequalification without a
15 hearing including, without limitation, (i) the indictment
16 of the holder of the prequalification by a State or
17 federal agency or other branch of government for a crime;
18 (ii) the suspension or modification of a license or
19 prequalification by another State agency or federal agency
20 or other branch of government after hearings; (iii) a
21 material breach of a contract made between the Board and
22 an architect, engineer or contractor; and (iv) the failure
23 to comply with State law including, without limitation,
24 the Business Enterprise for Minorities, Women, Veterans,
25 and Persons with Disabilities Act, the prevailing wage
26 requirements, and the Steel Products Procurement Act.

1 (c) If a prequalification is suspended or modified by the
2 Board without hearings for any reason set forth in this
3 Section or in Section 10-65 of the Illinois Administrative
4 Procedure Act, as amended, the Board shall within 30 days of
5 the issuance of an order of suspension or modification of a
6 prequalification initiate proceedings for the suspension or
7 modification of or other action upon the prequalification.

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

9 Section 50. The Illinois Finance Authority Act is amended
10 by changing Section 835-10 as follows:

11 (20 ILCS 3501/835-10)

12 Sec. 835-10. Definitions. As used or referred to in this
13 Article 835, the following words and terms shall have the
14 following meanings, except where the context clearly requires
15 otherwise:

16 "Fund" means one or more of the Industrial Project
17 Insurance Fund, the Illinois Agricultural Loan Guarantee Fund,
18 or the Illinois Farmer and Agribusiness Loan Guarantee Fund,
19 as applicable.

20 "Illinois Agricultural Loan Guarantee Fund" means the
21 Illinois Agricultural Loan Guarantee Fund created under
22 Section 830-30(c) of this Act.

23 "Illinois Farmer and Agribusiness Loan Guarantee Fund"
24 means the Illinois Farmer and Agribusiness Loan Guarantee Fund

1 created under Section 830-35(c) of this Act.

2 "Industrial Project Insurance Fund" means the Industrial
3 Project Insurance Fund created under Section 805-15 of this
4 Act.

5 "Qualified veteran-owned small business" means a small
6 business (i) that is at least 51% owned by one or more
7 qualified veterans living in Illinois or, in the case of a
8 corporation, at least 51% of the stock of which is owned by one
9 or more qualified veterans living in Illinois; (ii) that has
10 its home office in Illinois; and (iii) for which items (i) and
11 (ii) are factually verified annually by the Department of
12 Central Management Services ~~has the meaning provided in~~
13 ~~subsection (c) of Section 45-57 of the Illinois Procurement~~
14 ~~Code.~~

15 (Source: P.A. 99-509, eff. 6-24-16.)

16 Section 55. The Illinois Health Information Exchange and
17 Technology Act is amended by changing Section 20 as follows:

18 (20 ILCS 3860/20)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 20. Powers and duties of the Illinois Health
21 Information Exchange Office. The Office has the following
22 powers, together with all powers incidental or necessary to
23 accomplish the purposes of this Act:

24 (1) The Office shall create and administer the ILHIE

1 using information systems and processes that are secure,
2 are cost effective, and meet all other relevant privacy
3 and security requirements under State and federal law.

4 (2) The Office shall establish and adopt standards and
5 requirements for the use of health information and the
6 requirements for participation in the ILHIE by persons or
7 entities including, but not limited to, health care
8 providers, payors, and local health information exchanges.

9 (3) The Office shall establish minimum standards for
10 accessing the ILHIE to ensure that the appropriate
11 security and privacy protections apply to health
12 information, consistent with applicable federal and State
13 standards and laws. The Office shall have the power to
14 suspend, limit, or terminate the right to participate in
15 the ILHIE for non-compliance or failure to act, with
16 respect to applicable standards and laws, in the best
17 interests of patients, users of the ILHIE, or the public.
18 The Office may seek all remedies allowed by law to address
19 any violation of the terms of participation in the ILHIE.

20 (4) The Office shall identify barriers to the adoption
21 of electronic health records systems, including
22 researching the rates and patterns of dissemination and
23 use of electronic health record systems throughout the
24 State. The Office shall make the results of the research
25 available on the Department of Healthcare and Family
26 Services' website.

1 (5) The Office shall prepare educational materials and
2 educate the general public on the benefits of electronic
3 health records, the ILHIE, and the safeguards available to
4 prevent unauthorized disclosure of health information.

5 (6) The Office may appoint or designate an
6 institutional review board in accordance with federal and
7 State law to review and approve requests for research in
8 order to ensure compliance with standards and patient
9 privacy and security protections as specified in paragraph
10 (3) of this Section.

11 (7) The Office may enter into all contracts and
12 agreements necessary or incidental to the performance of
13 its powers under this Act. The Office's expenditures of
14 private funds are exempt from the Illinois Procurement
15 Code, pursuant to Section 1-10 of that Act.
16 Notwithstanding this exception, the Office shall comply
17 with the Business Enterprise for Minorities, Women,
18 Veterans, and Persons with Disabilities Act.

19 (8) The Office may solicit and accept grants, loans,
20 contributions, or appropriations from any public or
21 private source and may expend those moneys, through
22 contracts, grants, loans, or agreements, on activities it
23 considers suitable to the performance of its duties under
24 this Act.

25 (9) The Office may determine, charge, and collect any
26 fees, charges, costs, and expenses from any healthcare

1 provider or entity in connection with its duties under
2 this Act. Moneys collected under this paragraph (9) shall
3 be deposited into the Health Information Exchange Fund.

4 (10) The Office may employ and discharge staff,
5 including administrative, technical, expert,
6 professional, and legal staff, as is necessary or
7 convenient to carry out the purposes of this Act and as
8 authorized by the Personnel Code.

9 (10.5) Staff employed by the Illinois Health
10 Information Exchange Authority on the effective date of
11 this amendatory Act of the 101st General Assembly shall
12 transfer to the Office within the Department of Healthcare
13 and Family Services.

14 (10.6) The status and rights of employees transferring
15 from the Illinois Health Information Exchange Authority
16 under paragraph (10.5) shall not be affected by such
17 transfer except that, notwithstanding any other State law
18 to the contrary, those employees shall maintain their
19 seniority and their positions shall convert to titles of
20 comparable organizational level under the Personnel Code
21 and become subject to the Personnel Code. Other than the
22 changes described in this paragraph, the rights of
23 employees, the State of Illinois, and State agencies under
24 the Personnel Code or under any pension, retirement, or
25 annuity plan shall not be affected by this amendatory Act
26 of the 101st General Assembly. Transferring personnel

1 shall continue their service within the Office.

2 (11) The Office shall consult and coordinate with the
3 Department of Public Health to further the Office's
4 collection of health information from health care
5 providers for public health purposes. The collection of
6 public health information shall include identifiable
7 information for use by the Office or other State agencies
8 to comply with State and federal laws. Any identifiable
9 information so collected shall be privileged and
10 confidential in accordance with Sections 8-2101, 8-2102,
11 8-2103, 8-2104, and 8-2105 of the Code of Civil Procedure.

12 (12) All identified or deidentified health information
13 in the form of health data or medical records contained
14 in, stored in, submitted to, transferred by, or released
15 from the Illinois Health Information Exchange, and
16 identified or deidentified health information in the form
17 of health data and medical records of the Illinois Health
18 Information Exchange in the possession of the Illinois
19 Health Information Exchange Office due to its
20 administration of the Illinois Health Information
21 Exchange, shall be exempt from inspection and copying
22 under the Freedom of Information Act. The terms
23 "identified" and "deidentified" shall be given the same
24 meaning as in the Health Insurance Portability and
25 Accountability Act of 1996, Public Law 104-191, or any
26 subsequent amendments thereto, and any regulations

1 promulgated thereunder.

2 (13) To address gaps in the adoption of, workforce
3 preparation for, and exchange of electronic health records
4 that result in regional and socioeconomic disparities in
5 the delivery of care, the Office may evaluate such gaps
6 and provide resources as available, giving priority to
7 healthcare providers serving a significant percentage of
8 Medicaid or uninsured patients and in medically
9 underserved or rural areas.

10 (14) The Office shall perform its duties under this
11 Act in consultation with the Office of the Governor and
12 with the Departments of Public Health, Insurance, and
13 Human Services.

14 (Source: P.A. 100-391, eff. 8-25-17; 101-649, eff. 7-7-20.)

15 Section 60. The Illinois Global Partnership Act is amended
16 by changing Section 20 as follows:

17 (20 ILCS 3948/20)

18 Sec. 20. Board of directors. IGP shall be governed by a
19 board of directors. The IGP board of directors shall consist
20 of 14 members. Five of the members shall be voting members
21 appointed by the Governor with the advice and consent of the
22 Senate. The Speaker and Minority Leader of the House of
23 Representatives, the President and Minority Leader of the
24 Senate, the Lieutenant Governor, the Director of Agriculture,

1 the Director of Commerce and Economic Opportunity, the
2 Chairperson of the Illinois Arts Council, and the Director of
3 the Illinois Finance Authority, or the designee of each, shall
4 be non-voting ex officio members.

5 Of the members appointed by the Governor, one member must
6 have a background in agriculture, one member must have a
7 background in manufacturing, and one member must have a
8 background in international business relations.

9 Of the initial members appointed by the Governor, 3
10 members shall serve 4-year terms and 2 members shall serve
11 2-year terms as designated by the Governor. Thereafter,
12 members appointed by the Governor shall serve 4-year terms. A
13 vacancy among members appointed by the Governor shall be
14 filled by appointment by the Governor for the remainder of the
15 vacated term.

16 Members of the board shall receive no compensation but
17 shall be reimbursed for expenses incurred in the performance
18 of their duties.

19 The Governor shall designate the chairman of the board
20 until a successor is designated. The board shall meet at the
21 call of the chair.

22 No less than 90 days after a majority of the members of the
23 board of directors of the IGP is appointed by the Governor, the
24 board shall develop a policy adopted by resolution of the
25 board stating the board's plan for the use of services
26 provided by businesses owned by minorities, women, veterans,

1 and persons with disabilities, as defined under the Business
2 Enterprise for Minorities, Women, Veterans, and Persons with
3 Disabilities Act. The board shall provide a copy of this
4 resolution to the Governor and the General Assembly upon its
5 adoption.

6 On December 31 of each year, the board shall report to the
7 General Assembly and the Governor regarding the use of
8 services provided by businesses owned by minorities, women,
9 veterans, and persons with disabilities, as defined under the
10 Business Enterprise for Minorities, Women, Veterans, and
11 Persons with Disabilities Act.

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

13 Section 65. The Illinois State Auditing Act is amended by
14 changing Section 2-16 as follows:

15 (30 ILCS 5/2-16)

16 Sec. 2-16. Contract aspirational goals. The Auditor
17 General shall establish aspirational goals for contract awards
18 substantially in accordance with the Business Enterprise for
19 Minorities, Women, Veterans, and Persons with Disabilities
20 Act, unless otherwise governed by other law. The Auditor
21 General shall not be subject to the jurisdiction of the
22 Business Enterprise Council established under the Business
23 Enterprise for Minorities, Women, Veterans, and Persons with
24 Disabilities Act with regard to steps taken to achieve

1 aspirational goals. The Auditor General shall annually post
2 the Office's utilization of businesses owned by minorities,
3 women, veterans, and persons with disabilities during the
4 preceding fiscal year on the Office's Internet websites.

5 (Source: P.A. 100-801, eff. 8-10-18; 101-81, eff. 7-12-19.)

6 Section 70. The State Finance Act is amended by changing
7 Section 45 as follows:

8 (30 ILCS 105/45)

9 Sec. 45. Award of capital funds. Each award by grant or
10 loan of State funds of \$250,000 or more for capital
11 construction costs or professional services is conditioned
12 upon the recipient's written certification that the recipient
13 shall comply with the business enterprise program practices
14 for minority-owned businesses, women-owned businesses,
15 veteran-owned businesses, and businesses owned by persons with
16 disabilities of the Business Enterprise for Minorities, Women,
17 Veterans, and Persons with Disabilities Act (30 ILCS 575/) and
18 the equal employment practices of Section 2-105 of the
19 Illinois Human Rights Act (775 ILCS 5/2-105). This Section,
20 however, does not apply to any grant or loan (i) for which a
21 grant or loan agreement was executed before the effective date
22 of this amendatory Act of the 96th General Assembly, (ii) for
23 which prior-incurred costs are being reimbursed, or (iii) for
24 a federally funded program under which the requirement of this

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

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

18 Section 75. The General Obligation Bond Act is amended by
19 changing Sections 8 and 15.5 as follows:

20 (30 ILCS 330/8) (from Ch. 127, par. 658)

21 Sec. 8. Bond sale expenses.

22 (a) An amount not to exceed 0.5 percent of the principal
23 amount of the proceeds of sale of each bond sale is authorized
24 to be used to pay the reasonable costs of issuance and sale,

1 including, without limitation, underwriter's discounts and
2 fees, but excluding bond insurance, of State of Illinois
3 general obligation bonds authorized and sold pursuant to this
4 Act, provided that no salaries of State employees or other
5 State office operating expenses shall be paid out of
6 non-appropriated proceeds, provided further that the percent
7 shall be 1.0% for each sale of "Build America Bonds" or
8 "Qualified School Construction Bonds" as defined in
9 subsections (d) and (e) of Section 9, respectively. The
10 Governor's Office of Management and Budget shall compile a
11 summary of all costs of issuance on each sale (including both
12 costs paid out of proceeds and those paid out of appropriated
13 funds) and post that summary on its web site within 20 business
14 days after the issuance of the Bonds. The summary shall
15 include, as applicable, the respective percentages of
16 participation and compensation of each underwriter that is a
17 member of the underwriting syndicate, legal counsel, financial
18 advisors, and other professionals for the bond issue and an
19 identification of all costs of issuance paid to minority-owned
20 businesses, women-owned businesses, veteran-owned businesses,
21 and businesses owned by persons with disabilities. The terms
22 "minority-owned businesses", "women-owned businesses",
23 "veteran-owned businesses", and "business owned by a person
24 with a disability" have the meanings given to those terms in
25 the Business Enterprise for Minorities, Women, Veterans, and
26 Persons with Disabilities Act. That posting shall be

1 maintained on the web site for a period of at least 30 days. In
2 addition, the Governor's Office of Management and Budget shall
3 provide a written copy of each summary of costs to the Speaker
4 and Minority Leader of the House of Representatives, the
5 President and Minority Leader of the Senate, and the
6 Commission on Government Forecasting and Accountability within
7 20 business days after each issuance of the Bonds. In
8 addition, the Governor's Office of Management and Budget shall
9 provide copies of all contracts under which any costs of
10 issuance are paid or to be paid to the Commission on Government
11 Forecasting and Accountability within 20 business days after
12 the issuance of Bonds for which those costs are paid or to be
13 paid. Instead of filing a second or subsequent copy of the same
14 contract, the Governor's Office of Management and Budget may
15 file a statement that specified costs are paid under specified
16 contracts filed earlier with the Commission.

17 (b) The Director of the Governor's Office of Management
18 and Budget shall not, in connection with the issuance of
19 Bonds, contract with any underwriter, financial advisor, or
20 attorney unless that underwriter, financial advisor, or
21 attorney certifies that the underwriter, financial advisor, or
22 attorney has not and will not pay a contingent fee, whether
23 directly or indirectly, to a third party for having promoted
24 the selection of the underwriter, financial advisor, or
25 attorney for that contract. In the event that the Governor's
26 Office of Management and Budget determines that an

1 underwriter, financial advisor, or attorney has filed a false
2 certification with respect to the payment of contingent fees,
3 the Governor's Office of Management and Budget shall not
4 contract with that underwriter, financial advisor, or
5 attorney, or with any firm employing any person who signed
6 false certifications, for a period of 2 calendar years,
7 beginning with the date the determination is made. The
8 validity of Bonds issued under such circumstances of violation
9 pursuant to this Section shall not be affected.

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

11 (30 ILCS 330/15.5)

12 Sec. 15.5. Compliance with the Business Enterprise for
13 Minorities, Women, Veterans, and Persons with Disabilities
14 Act. Notwithstanding any other provision of law, the
15 Governor's Office of Management and Budget shall comply with
16 the Business Enterprise for Minorities, Women, Veterans, and
17 Persons with Disabilities Act.

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

19 Section 80. The Build Illinois Bond Act is amended by
20 changing Sections 5 and 8.3 as follows:

21 (30 ILCS 425/5) (from Ch. 127, par. 2805)

22 Sec. 5. Bond sale expenses.

23 (a) An amount not to exceed 0.5% of the principal amount of

1 the proceeds of the sale of each bond sale is authorized to be
2 used to pay reasonable costs of each issuance and sale of Bonds
3 authorized and sold pursuant to this Act, including, without
4 limitation, underwriter's discounts and fees, but excluding
5 bond insurance, advertising, printing, bond rating, travel of
6 outside vendors, security, delivery, legal and financial
7 advisory services, initial fees of trustees, registrars,
8 paying agents and other fiduciaries, initial costs of credit
9 or liquidity enhancement arrangements, initial fees of
10 indexing and remarketing agents, and initial costs of interest
11 rate swaps, guarantees or arrangements to limit interest rate
12 risk, as determined in the related Bond Sale Order, from the
13 proceeds of each Bond sale, provided that no salaries of State
14 employees or other State office operating expenses shall be
15 paid out of non-appropriated proceeds, and provided further
16 that the percent shall be 1.0% for each sale of "Build America
17 Bonds" as defined in subsection (c) of Section 6. The
18 Governor's Office of Management and Budget shall compile a
19 summary of all costs of issuance on each sale (including both
20 costs paid out of proceeds and those paid out of appropriated
21 funds) and post that summary on its web site within 20 business
22 days after the issuance of the bonds. That posting shall be
23 maintained on the web site for a period of at least 30 days. In
24 addition, the Governor's Office of Management and Budget shall
25 provide a written copy of each summary of costs to the Speaker
26 and Minority Leader of the House of Representatives, the

1 President and Minority Leader of the Senate, and the
2 Commission on Government Forecasting and Accountability within
3 20 business days after each issuance of the bonds. This
4 summary shall include, as applicable, the respective
5 percentage of participation and compensation of each
6 underwriter that is a member of the underwriting syndicate,
7 legal counsel, financial advisors, and other professionals for
8 the Bond issue, and an identification of all costs of issuance
9 paid to minority-owned businesses, women-owned businesses,
10 veteran-owned businesses, and businesses owned by persons with
11 disabilities. The terms "minority-owned businesses",
12 "women-owned businesses", "veteran-owned businesses", and
13 "business owned by a person with a disability" have the
14 meanings given to those terms in the Business Enterprise for
15 Minorities, Women, Veterans, and Persons with Disabilities
16 Act. In addition, the Governor's Office of Management and
17 Budget shall provide copies of all contracts under which any
18 costs of issuance are paid or to be paid to the Commission on
19 Government Forecasting and Accountability within 20 business
20 days after the issuance of Bonds for which those costs are paid
21 or to be paid. Instead of filing a second or subsequent copy of
22 the same contract, the Governor's Office of Management and
23 Budget may file a statement that specified costs are paid
24 under specified contracts filed earlier with the Commission.

25 (b) The Director of the Governor's Office of Management
26 and Budget shall not, in connection with the issuance of

1 Bonds, contract with any underwriter, financial advisor, or
2 attorney unless that underwriter, financial advisor, or
3 attorney certifies that the underwriter, financial advisor, or
4 attorney has not and will not pay a contingent fee, whether
5 directly or indirectly, to any third party for having promoted
6 the selection of the underwriter, financial advisor, or
7 attorney for that contract. In the event that the Governor's
8 Office of Management and Budget determines that an
9 underwriter, financial advisor, or attorney has filed a false
10 certification with respect to the payment of contingent fees,
11 the Governor's Office of Management and Budget shall not
12 contract with that underwriter, financial advisor, or
13 attorney, or with any firm employing any person who signed
14 false certifications, for a period of 2 calendar years,
15 beginning with the date the determination is made. The
16 validity of Bonds issued under such circumstances of violation
17 pursuant to this Section shall not be affected.

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

19 (30 ILCS 425/8.3)

20 Sec. 8.3. Compliance with the Business Enterprise for
21 Minorities, Women, Veterans, and Persons with Disabilities
22 Act. Notwithstanding any other provision of law, the
23 Governor's Office of Management and Budget shall comply with
24 the Business Enterprise for Minorities, Women, Veterans, and
25 Persons with Disabilities Act.

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

2 Section 85. The Illinois Procurement Code is amended by
3 changing Sections 15-25, 30-30, 45-45, and 45-65 and by adding
4 Section 45-58 as follows:

5 (30 ILCS 500/15-25)

6 Sec. 15-25. Bulletin content.

7 (a) Invitations for bids. Notice of each and every
8 contract that is offered, including renegotiated contracts and
9 change orders, shall be published in the Bulletin. The
10 applicable chief procurement officer may provide by rule an
11 organized format for the publication of this information, but
12 in any case it must include at least the date first offered,
13 the date submission of offers is due, the location that offers
14 are to be submitted to, the purchasing State agency, the
15 responsible State purchasing officer, a brief purchase
16 description, the method of source selection, information of
17 how to obtain a comprehensive purchase description and any
18 disclosure and contract forms, and encouragement to potential
19 contractors to hire ~~qualified veterans, as defined by Section~~
20 ~~45-67 of this Code, and~~ qualified Illinois minorities, women,
21 veterans, persons with disabilities, and residents discharged
22 from any Illinois adult correctional center.

23 (a-5) All businesses listed on the Illinois Unified
24 Certification Program Disadvantaged Business Enterprise

1 Directory, the Business Enterprise Program of the Department
2 of Central Management Services, and any small business
3 database created pursuant to Section 45-45 of this Code shall
4 be furnished written instructions and information on how to
5 register for the Illinois Procurement Bulletin. This
6 information shall be provided to each business within 30
7 calendar days after the business's notice of certification or
8 qualification.

9 (b) Contracts let. Notice of each and every contract that
10 is let, including renegotiated contracts and change orders,
11 shall be issued electronically to those bidders submitting
12 responses to the solicitations, inclusive of the unsuccessful
13 bidders, immediately upon contract let. Failure of any chief
14 procurement officer to give such notice shall result in
15 tolling the time for filing a bid protest up to 7 calendar
16 days.

17 For purposes of this subsection (b), "contracts let" means
18 a construction agency's act of advertising an invitation for
19 bids for one or more construction projects.

20 (b-5) Contracts awarded. Notice of each and every contract
21 that is awarded, including renegotiated contracts and change
22 orders, shall be issued electronically to the successful
23 responsible bidder, offeror, or contractor and published in
24 the Bulletin. The applicable chief procurement officer may
25 provide by rule an organized format for the publication of
26 this information, but in any case it must include at least all

1 of the information specified in subsection (a) as well as the
2 name of the successful responsible bidder, offeror, the
3 contract price, the number of unsuccessful bidders or offerors
4 and any other disclosure specified in any Section of this
5 Code. This notice must be posted in the online electronic
6 Bulletin prior to execution of the contract.

7 For purposes of this subsection (b-5), "contract award"
8 means the determination that a particular bidder or offeror
9 has been selected from among other bidders or offerors to
10 receive a contract, subject to the successful completion of
11 final negotiations. "Contract award" is evidenced by the
12 posting of a Notice of Award or a Notice of Intent to Award to
13 the respective volume of the Illinois Procurement Bulletin.

14 (c) Emergency purchase disclosure. Any chief procurement
15 officer or State purchasing officer exercising emergency
16 purchase authority under this Code shall publish a written
17 description and reasons and the total cost, if known, or an
18 estimate if unknown and the name of the responsible chief
19 procurement officer and State purchasing officer, and the
20 business or person contracted with for all emergency purchases
21 in the Bulletin. This notice must be posted in the online
22 electronic Bulletin no later than 5 calendar days after the
23 contract is awarded. Notice of a hearing to extend an
24 emergency contract must be posted in the online electronic
25 Procurement Bulletin no later than 14 calendar days prior to
26 the hearing.

1 (c-5) Business Enterprise Program report. Each purchasing
2 agency shall, with the assistance of the applicable chief
3 procurement officer, post in the online electronic Bulletin a
4 copy of its annual report of utilization of businesses owned
5 by minorities, women, veterans, and persons with disabilities
6 as submitted to the Business Enterprise Council for
7 Minorities, Women, Veterans, and Persons with Disabilities
8 pursuant to Section 6(c) of the Business Enterprise for
9 Minorities, Women, Veterans, and Persons with Disabilities Act
10 within 10 calendar days after its submission of its report to
11 the Council.

12 (c-10) Renewals. Notice of each contract renewal shall be
13 posted in the Bulletin within 14 calendar days of the
14 determination to execute a renewal of the contract. The notice
15 shall include at least all of the information required in
16 subsection (a) or (b), as applicable.

17 (c-15) Sole source procurements. Before entering into a
18 sole source contract, a chief procurement officer exercising
19 sole source procurement authority under this Code shall
20 publish a written description of intent to enter into a sole
21 source contract along with a description of the item to be
22 procured and the intended sole source contractor. This notice
23 must be posted in the online electronic Procurement Bulletin
24 before a sole source contract is awarded and at least 14
25 calendar days before the hearing required by Section 20-25.

26 (d) Other required disclosure. The applicable chief

1 procurement officer shall provide by rule for the organized
2 publication of all other disclosure required in other Sections
3 of this Code in a timely manner.

4 (e) The changes to subsections (b), (c), (c-5), (c-10),
5 and (c-15) of this Section made by Public Act 96-795 apply to
6 reports submitted, offers made, and notices on contracts
7 executed on or after July 1, 2010 (the effective date of Public
8 Act 96-795).

9 (f) Each chief procurement officer shall, in consultation
10 with the agencies under his or her jurisdiction, provide the
11 Procurement Policy Board with the information and resources
12 necessary, and in a manner, to effectuate the purpose of
13 Public Act 96-1444.

14 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
15 100-863, eff. 8-14-18.)

16 (30 ILCS 500/30-30)

17 Sec. 30-30. Design-bid-build construction.

18 (a) The provisions of this subsection are operative
19 through December 31, 2021.

20 For building construction contracts in excess of \$250,000,
21 separate specifications may be prepared for all equipment,
22 labor, and materials in connection with the following 5
23 subdivisions of the work to be performed:

24 (1) plumbing;

25 (2) heating, piping, refrigeration, and automatic

1 temperature control systems, including the testing and
2 balancing of those systems;

3 (3) ventilating and distribution systems for
4 conditioned air, including the testing and balancing of
5 those systems;

6 (4) electric wiring; and

7 (5) general contract work.

8 The specifications may be so drawn as to permit separate
9 and independent bidding upon each of the 5 subdivisions of
10 work. All contracts awarded for any part thereof may award the
11 5 subdivisions of work separately to responsible and reliable
12 persons, firms, or corporations engaged in these classes of
13 work. The contracts, at the discretion of the construction
14 agency, may be assigned to the successful bidder on the
15 general contract work or to the successful bidder on the
16 subdivision of work designated by the construction agency
17 before the bidding as the prime subdivision of work, provided
18 that all payments will be made directly to the contractors for
19 the 5 subdivisions of work upon compliance with the conditions
20 of the contract.

21 Beginning on the effective date of this amendatory Act of
22 the 101st General Assembly and through December 31, 2020, for
23 single prime projects: (i) the bid of the successful low
24 bidder shall identify the name of the subcontractor, if any,
25 and the bid proposal costs for each of the 5 subdivisions of
26 work set forth in this Section; (ii) the contract entered into

1 with the successful bidder shall provide that no identified
2 subcontractor may be terminated without the written consent of
3 the Capital Development Board; (iii) the contract shall comply
4 with the disadvantaged business practices of the Business
5 Enterprise for Minorities, Women, Veterans, and Persons with
6 Disabilities Act and the equal employment practices of Section
7 2-105 of the Illinois Human Rights Act; and (iv) the Capital
8 Development Board shall submit an annual report to the General
9 Assembly and Governor on the bidding, award, and performance
10 of all single prime projects.

11 For building construction projects with a total
12 construction cost valued at \$5,000,000 or less, the Capital
13 Development Board shall not use the single prime procurement
14 delivery method for more than 50% of the total number of
15 projects bid for each fiscal year. Any project with a total
16 construction cost valued greater than \$5,000,000 may be bid
17 using single prime at the discretion of the Executive Director
18 of the Capital Development Board.

19 (b) The provisions of this subsection are operative on and
20 after January 1, 2022. For building construction contracts in
21 excess of \$250,000, separate specifications shall be prepared
22 for all equipment, labor, and materials in connection with the
23 following 5 subdivisions of the work to be performed:

24 (1) plumbing;

25 (2) heating, piping, refrigeration, and automatic
26 temperature control systems, including the testing and

1 balancing of those systems;

2 (3) ventilating and distribution systems for
3 conditioned air, including the testing and balancing of
4 those systems;

5 (4) electric wiring; and

6 (5) general contract work.

7 The specifications must be so drawn as to permit separate
8 and independent bidding upon each of the 5 subdivisions of
9 work. All contracts awarded for any part thereof shall award
10 the 5 subdivisions of work separately to responsible and
11 reliable persons, firms, or corporations engaged in these
12 classes of work. The contracts, at the discretion of the
13 construction agency, may be assigned to the successful bidder
14 on the general contract work or to the successful bidder on the
15 subdivision of work designated by the construction agency
16 before the bidding as the prime subdivision of work, provided
17 that all payments will be made directly to the contractors for
18 the 5 subdivisions of work upon compliance with the conditions
19 of the contract.

20 (Source: P.A. 100-391, eff. 8-25-17; 101-369, eff. 12-15-19;
21 101-645, eff. 6-26-20.)

22 (30 ILCS 500/45-45)

23 Sec. 45-45. Small businesses.

24 (a) Set-asides. Each chief procurement officer has
25 authority to designate as small business set-asides a fair

1 proportion of construction, supply, and service contracts for
2 award to small businesses in Illinois. Advertisements for bids
3 or offers for those contracts shall specify designation as
4 small business set-asides. In awarding the contracts, only
5 bids or offers from qualified small businesses shall be
6 considered.

7 (b) Small business. "Small business" means a business that
8 is independently owned and operated and that is not dominant
9 in its field of operation. The chief procurement officer shall
10 establish a detailed definition by rule, using in addition to
11 the foregoing criteria other criteria, including the number of
12 employees and the dollar volume of business. When computing
13 the size status of a potential contractor, annual sales and
14 receipts of the potential contractor and all of its affiliates
15 shall be included. The maximum number of employees and the
16 maximum dollar volume that a small business may have under the
17 rules promulgated by the chief procurement officer may vary
18 from industry to industry to the extent necessary to reflect
19 differing characteristics of those industries, subject to the
20 following limitations:

21 (1) No wholesale business is a small business if its
22 annual sales for its most recently completed fiscal year
23 exceed \$13,000,000.

24 (2) No retail business or business selling services is
25 a small business if its annual sales and receipts exceed
26 \$8,000,000.

1 (3) No manufacturing business is a small business if
2 it employs more than 250 persons.

3 (4) No construction business is a small business if
4 its annual sales and receipts exceed \$14,000,000.

5 (c) Fair proportion. For the purpose of subsection (a),
6 for State agencies of the executive branch, a fair proportion
7 of construction contracts shall be no less than 25% nor more
8 than 40% of the annual total contracts for construction.

9 (d) Withdrawal of designation. A small business set-aside
10 designation may be withdrawn by the purchasing agency when
11 deemed in the best interests of the State. Upon withdrawal,
12 all bids or offers shall be rejected, and the bidders or
13 offerors shall be notified of the reason for rejection. The
14 contract shall then be awarded in accordance with this Code
15 without the designation of small business set-aside.

16 (e) Small business specialist. Each chief procurement
17 officer shall designate one or more individuals to serve as
18 its small business specialist. The small business specialists
19 shall collectively work together to accomplish the following
20 duties:

21 (1) Compiling and maintaining a comprehensive list of
22 potential small contractors. In this duty, he or she shall
23 cooperate with the Federal Small Business Administration
24 in locating potential sources for various products and
25 services.

26 (2) Assisting small businesses in complying with the

1 procedures for bidding on State contracts.

2 (3) Examining requests from State agencies for the
3 purchase of property or services to help determine which
4 invitations to bid are to be designated small business
5 set-asides.

6 (4) Making recommendations to the chief procurement
7 officer for the simplification of specifications and terms
8 in order to increase the opportunities for small business
9 participation.

10 (5) Assisting in investigations by purchasing agencies
11 to determine the responsibility of bidders or offerors on
12 small business set-asides.

13 (f) Small business annual report. Each small business
14 specialist designated under subsection (e) shall annually
15 before November 1 report in writing to the General Assembly
16 concerning the awarding of contracts to small businesses. The
17 report shall include the total value of awards made in the
18 preceding fiscal year under the designation of small business
19 set-aside. The report shall also include the total value of
20 awards made to businesses owned by minorities, women,
21 veterans, and persons with disabilities, as defined in the
22 Business Enterprise for Minorities, Women, Veterans, and
23 Persons with Disabilities Act, in the preceding fiscal year
24 under the designation of small business set-aside.

25 The requirement for reporting to the General Assembly
26 shall be satisfied by filing copies of the report as required

1 by Section 3.1 of the General Assembly Organization Act.

2 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
3 100-863, eff. 8-14-18.)

4 (30 ILCS 500/45-58 new)

5 Sec. 45-58. Penalties for false representation as a
6 minority, woman, veteran, or person with a disability.

7 (a) Administrative penalties. The chief procurement
8 officers appointed under Section 10-20 shall suspend any
9 person who commits a violation of Section 17-10.3 or
10 subsection (d) of Section 33E-6 of the Criminal Code of 2012
11 relating to the Business Enterprise for Minorities, Women,
12 Veterans, and Persons with Disabilities Act from bidding on,
13 or participating as a contractor, subcontractor, or supplier
14 in, any State contract or project for a period of not less than
15 3 years, and shall revoke the certification of being a
16 minority-owned business, woman-owned business, veteran-owned
17 business, or business owned by a person with a disability for a
18 period of not less than 3 years. An additional or subsequent
19 violation shall extend the periods of suspension and
20 revocation for a period of not less than 5 years. The
21 suspension and revocation shall apply to the principals of the
22 business and any subsequent business formed or financed by, or
23 affiliated with, those principals.

24 (b) Reports of violations. Each State agency shall report
25 any alleged violation of Section 17-10.3 or subsection (d) of

1 Section 33E-6 of the Criminal Code of 2012 relating to this
2 Section to the chief procurement officers appointed pursuant
3 to Section 10-20. The chief procurement officers appointed
4 pursuant to Section 10-20 shall subsequently report all such
5 alleged violations to the Attorney General, who shall
6 determine whether to bring a civil action against any person
7 for the violation.

8 (c) List of suspended persons. The chief procurement
9 officers appointed pursuant to Section 10-20 shall monitor the
10 status of all reported violations of Section 17-10.3 or
11 subsection (d) of Section 33E-6 of the Criminal Code of 1961 or
12 the Criminal Code of 2012 relating to this Section and shall
13 maintain and make available to all State agencies a central
14 listing of all persons that committed violations resulting in
15 suspension.

16 (d) Use of suspended persons. During the period of a
17 person's suspension under subsection (a) of this subsection, a
18 State agency shall not enter into any contract with that
19 person or with any contractor using the services of that
20 person as a subcontractor.

21 (e) Duty to check list. Each State agency shall check the
22 central listing provided by the chief procurement officers
23 appointed pursuant to Section 10-20 under subsection (c) of
24 this subsection to verify that a person being awarded a
25 contract by that State agency, or to be used as a subcontractor
26 or supplier on a contract being awarded by that State agency,

1 is not under suspension under subsection (a).

2 (30 ILCS 500/45-65)

3 Sec. 45-65. Additional preferences. This Code is subject
4 to applicable provisions of:

5 (1) the Public Purchases in Other States Act;

6 (2) the Illinois Mined Coal Act;

7 (3) the Steel Products Procurement Act;

8 (4) the Veterans Preference Act;

9 (5) the Business Enterprise for Minorities, Women,
10 Veterans, and Persons with Disabilities Act; and

11 (6) the Procurement of Domestic Products Act.

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

13 (30 ILCS 500/45-57 rep.)

14 Section 90. The Illinois Procurement Code is amended by
15 repealing Section 45-57.

16 Section 95. The Design-Build Procurement Act is amended by
17 changing Sections 5, 15, 30, and 46 as follows:

18 (30 ILCS 537/5)

19 (Section scheduled to be repealed on July 1, 2022)

20 Sec. 5. Legislative policy. It is the intent of the
21 General Assembly that the Capital Development Board be allowed
22 to use the design-build delivery method for public projects if

1 it is shown to be in the State's best interest for that
2 particular project. It shall be the policy of the Capital
3 Development Board in the procurement of design-build services
4 to publicly announce all requirements for design-build
5 services and to procure these services on the basis of
6 demonstrated competence and qualifications and with due regard
7 for the principles of competitive selection.

8 The Capital Development Board shall, prior to issuing
9 requests for proposals, promulgate and publish procedures for
10 the solicitation and award of contracts pursuant to this Act.

11 The Capital Development Board shall, for each public
12 project or projects permitted under this Act, make a written
13 determination, including a description as to the particular
14 advantages of the design-build procurement method, that it is
15 in the best interests of this State to enter into a
16 design-build contract for the project or projects. In making
17 that determination, the following factors shall be considered:

18 (1) The probability that the design-build procurement
19 method will be in the best interests of the State by
20 providing a material savings of time or cost over the
21 design-bid-build or other delivery system.

22 (2) The type and size of the project and its
23 suitability to the design-build procurement method.

24 (3) The ability of the State construction agency to
25 define and provide comprehensive scope and performance
26 criteria for the project.

1 No State construction agency may use a design-build
2 procurement method unless the agency determines in writing
3 that the project will comply with the disadvantaged business
4 and equal employment practices of the State as established in
5 the Business Enterprise for Minorities, Women, Veterans, and
6 Persons with Disabilities Act and Section 2-105 of the
7 Illinois Human Rights Act.

8 The Capital Development Board shall within 15 days after
9 the initial determination provide an advisory copy to the
10 Procurement Policy Board and maintain the full record of
11 determination for 5 years.

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

13 (30 ILCS 537/15)

14 (Section scheduled to be repealed on July 1, 2022)

15 Sec. 15. Solicitation of proposals.

16 (a) When the State construction agency elects to use the
17 design-build delivery method, it must issue a notice of intent
18 to receive requests for proposals for the project at least 14
19 days before issuing the request for the proposal. The State
20 construction agency must publish the advance notice in the
21 official procurement bulletin of the State or the professional
22 services bulletin of the State construction agency, if any.
23 The agency is encouraged to use publication of the notice in
24 related construction industry service publications. A brief
25 description of the proposed procurement must be included in

1 the notice. The State construction agency must provide a copy
2 of the request for proposal to any party requesting a copy.

3 (b) The request for proposal shall be prepared for each
4 project and must contain, without limitation, the following
5 information:

6 (1) The name of the State construction agency.

7 (2) A preliminary schedule for the completion of the
8 contract.

9 (3) The proposed budget for the project, the source of
10 funds, and the currently available funds at the time the
11 request for proposal is submitted.

12 (4) Prequalification criteria for design-build
13 entities wishing to submit proposals. The State
14 construction agency shall include, at a minimum, its
15 normal prequalification, licensing, registration, and
16 other requirements, but nothing contained herein precludes
17 the use of additional prequalification criteria by the
18 State construction agency.

19 (5) Material requirements of the contract, including
20 but not limited to, the proposed terms and conditions,
21 required performance and payment bonds, insurance, and the
22 entity's plan to comply with the utilization goals for
23 business enterprises established in the Business
24 Enterprise for Minorities, Women, Veterans, and Persons
25 with Disabilities Act, and with Section 2-105 of the
26 Illinois Human Rights Act.

1 (6) The performance criteria.

2 (7) The evaluation criteria for each phase of the
3 solicitation.

4 (8) The number of entities that will be considered for
5 the technical and cost evaluation phase.

6 (c) The State construction agency may include any other
7 relevant information that it chooses to supply. The
8 design-build entity shall be entitled to rely upon the
9 accuracy of this documentation in the development of its
10 proposal.

11 (d) The date that proposals are due must be at least 21
12 calendar days after the date of the issuance of the request for
13 proposal. In the event the cost of the project is estimated to
14 exceed \$10 million, then the proposal due date must be at least
15 28 calendar days after the date of the issuance of the request
16 for proposal. The State construction agency shall include in
17 the request for proposal a minimum of 30 days to develop the
18 Phase II submissions after the selection of entities from the
19 Phase I evaluation is completed.

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

21 (30 ILCS 537/30)

22 (Section scheduled to be repealed on July 1, 2022)

23 Sec. 30. Procedures for Selection.

24 (a) The State construction agency must use a two-phase
25 procedure for the selection of the successful design-build

1 entity. Phase I of the procedure will evaluate and shortlist
2 the design-build entities based on qualifications, and Phase
3 II will evaluate the technical and cost proposals.

4 (b) The State construction agency shall include in the
5 request for proposal the evaluating factors to be used in
6 Phase I. These factors are in addition to any prequalification
7 requirements of design-build entities that the agency has set
8 forth. Each request for proposal shall establish the relative
9 importance assigned to each evaluation factor and subfactor,
10 including any weighting of criteria to be employed by the
11 State construction agency. The State construction agency must
12 maintain a record of the evaluation scoring to be disclosed in
13 event of a protest regarding the solicitation.

14 The State construction agency shall include the following
15 criteria in every Phase I evaluation of design-build entities:
16 (1) experience of personnel; (2) successful experience with
17 similar project types; (3) financial capability; (4)
18 timeliness of past performance; (5) experience with similarly
19 sized projects; (6) successful reference checks of the firm;
20 (7) commitment to assign personnel for the duration of the
21 project and qualifications of the entity's consultants; and
22 (8) ability or past performance in meeting or exhausting good
23 faith efforts to meet the utilization goals for business
24 enterprises established in the Business Enterprise for
25 Minorities, Women, Veterans, and Persons with Disabilities Act
26 and with Section 2-105 of the Illinois Human Rights Act. The

1 State construction agency may include any additional relevant
2 criteria in Phase I that it deems necessary for a proper
3 qualification review.

4 The State construction agency may not consider any
5 design-build entity for evaluation or award if the entity has
6 any pecuniary interest in the project or has other
7 relationships or circumstances, including but not limited to,
8 long-term leasehold, mutual performance, or development
9 contracts with the State construction agency, that may give
10 the design-build entity a financial or tangible advantage over
11 other design-build entities in the preparation, evaluation, or
12 performance of the design-build contract or that create the
13 appearance of impropriety. No proposal shall be considered
14 that does not include an entity's plan to comply with the
15 requirements established in the Business Enterprise for
16 Minorities, Women, Veterans, and Persons with Disabilities
17 Act, for both the design and construction areas of
18 performance, and with Section 2-105 of the Illinois Human
19 Rights Act.

20 Upon completion of the qualifications evaluation, the
21 State construction agency shall create a shortlist of the most
22 highly qualified design-build entities. The State construction
23 agency, in its discretion, is not required to shortlist the
24 maximum number of entities as identified for Phase II
25 evaluation, provided however, no less than 2 design-build
26 entities nor more than 6 are selected to submit Phase II

1 proposals.

2 The State construction agency shall notify the entities
3 selected for the shortlist in writing. This notification shall
4 commence the period for the preparation of the Phase II
5 technical and cost evaluations. The State construction agency
6 must allow sufficient time for the shortlist entities to
7 prepare their Phase II submittals considering the scope and
8 detail requested by the State agency.

9 (c) The State construction agency shall include in the
10 request for proposal the evaluating factors to be used in the
11 technical and cost submission components of Phase II. Each
12 request for proposal shall establish, for both the technical
13 and cost submission components of Phase II, the relative
14 importance assigned to each evaluation factor and subfactor,
15 including any weighting of criteria to be employed by the
16 State construction agency. The State construction agency must
17 maintain a record of the evaluation scoring to be disclosed in
18 event of a protest regarding the solicitation.

19 The State construction agency shall include the following
20 criteria in every Phase II technical evaluation of
21 design-build entities: (1) compliance with objectives of the
22 project; (2) compliance of proposed services to the request
23 for proposal requirements; (3) quality of products or
24 materials proposed; (4) quality of design parameters; (5)
25 design concepts; (6) innovation in meeting the scope and
26 performance criteria; and (7) constructability of the proposed

1 project. The State construction agency may include any
2 additional relevant technical evaluation factors it deems
3 necessary for proper selection.

4 The State construction agency shall include the following
5 criteria in every Phase II cost evaluation: the total project
6 cost, the construction costs, and the time of completion. The
7 State construction agency may include any additional relevant
8 technical evaluation factors it deems necessary for proper
9 selection. The total project cost criteria weighing factor
10 shall be 25%.

11 The State construction agency shall directly employ or
12 retain a licensed design professional to evaluate the
13 technical and cost submissions to determine if the technical
14 submissions are in accordance with generally accepted industry
15 standards.

16 Upon completion of the technical submissions and cost
17 submissions evaluation, the State construction agency may
18 award the design-build contract to the highest overall ranked
19 entity.

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

21 (30 ILCS 537/46)

22 (Section scheduled to be repealed on July 1, 2022)

23 Sec. 46. Reports and evaluation. At the end of every 6
24 month period following the contract award, and again prior to
25 final contract payout and closure, a selected design-build

1 entity shall detail, in a written report submitted to the
2 State agency, its efforts and success in implementing the
3 entity's plan to comply with the utilization goals for
4 business enterprises established in the Business Enterprise
5 for Minorities, Women, Veterans, and Persons with Disabilities
6 Act and the provisions of Section 2-105 of the Illinois Human
7 Rights Act. If the entity's performance in implementing the
8 plan falls short of the performance measures and outcomes set
9 forth in the plans submitted by the entity during the proposal
10 process, the entity shall, in a detailed written report,
11 inform the General Assembly and the Governor whether and to
12 what degree each design-build contract authorized under this
13 Act promoted the utilization goals for business enterprises
14 established in the Business Enterprise for Minorities, Women,
15 Veterans, and Persons with Disabilities Act and the provisions
16 of Section 2-105 of the Illinois Human Rights Act.

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

18 Section 100. The Project Labor Agreements Act is amended
19 by changing Sections 25 and 37 as follows:

20 (30 ILCS 571/25)

21 Sec. 25. Contents of agreement. Pursuant to this Act, any
22 project labor agreement shall:

23 (a) Set forth effective, immediate, and mutually
24 binding procedures for resolving jurisdictional labor

1 disputes and grievances arising before the completion of
2 work.

3 (b) Contain guarantees against strikes, lockouts, or
4 similar actions.

5 (c) Ensure a reliable source of skilled and
6 experienced labor.

7 (d) For minorities and women as defined under the
8 Business Enterprise for Minorities, Women, Veterans, and
9 Persons with Disabilities Act, set forth goals for
10 apprenticeship hours to be performed by minorities and
11 women and set forth goals for total hours to be performed
12 by underrepresented minorities and women.

13 (e) Permit the selection of the lowest qualified
14 responsible bidder, without regard to union or non-union
15 status at other construction sites.

16 (f) Bind all contractors and subcontractors on the
17 public works project through the inclusion of appropriate
18 bid specifications in all relevant bid documents.

19 (g) Include such other terms as the parties deem
20 appropriate.

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

22 (30 ILCS 571/37)

23 Sec. 37. Quarterly report; annual report. A State
24 department, agency, authority, board, or instrumentality that
25 has a project labor agreement in connection with a public

1 works project shall prepare a quarterly report that includes
2 workforce participation under the agreement by minorities and
3 women as defined under the Business Enterprise for Minorities,
4 Women, Veterans, and Persons with Disabilities Act. These
5 reports shall be submitted to the Illinois Department of
6 Labor. The Illinois Department of Labor shall submit to the
7 General Assembly and the Governor an annual report that
8 details the number of minorities and women employed under all
9 public labor agreements within the State.

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

11 Section 105. The Business Enterprise for Minorities,
12 Women, and Persons with Disabilities Act is amended by
13 changing Sections 0.01, 1, 2, 4, 4f, 5, 6, 6a, 7, 8, 8a, 8b,
14 8f, 8g, and 8h as follows:

15 (30 ILCS 575/0.01) (from Ch. 127, par. 132.600)

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

17 Sec. 0.01. Short title. This Act may be cited as the
18 Business Enterprise for Minorities, Women, Veterans, and
19 Persons with Disabilities Act. Any reference in any law,
20 appropriation, rule, form, or other document to the Business
21 Enterprise for Minorities, Women, and Persons with
22 Disabilities Act, shall be construed to be references to this
23 Act.

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

1 (30 ILCS 575/1) (from Ch. 127, par. 132.601)

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

3 Sec. 1. Purpose. The State of Illinois declares that it is
4 the public policy of the State to promote and encourage the
5 continuing economic development of minority-owned, ~~and~~
6 women-owned, veteran-owned, persons with disability-owned and
7 operated businesses and that minority-owned, ~~and~~ women-owned,
8 veteran-owned, and persons with disability-owned and operated
9 businesses participate in the State's procurement process as
10 both prime and subcontractors. ~~The State of Illinois has~~
11 ~~observed that the goals established in this Act have served to~~
12 ~~increase the participation of minority and women businesses in~~
13 ~~contracts awarded by the State. The State hereby declares that~~
14 ~~the adoption of this amendatory Act of 1989 shall serve the~~
15 ~~State's continuing interest in promoting open access in the~~
16 ~~awarding of State contracts to disadvantaged small business~~
17 ~~enterprises victimized by discriminatory practices.~~
18 ~~Furthermore, after reviewing evidence of the high level of~~
19 ~~attainment of the 10% minimum goals established under this~~
20 ~~Act, and, after considering evidence that minority and women~~
21 ~~businesses, as established in 1982, constituted and continue~~
22 ~~to constitute more than 10% of the businesses operating in~~
23 ~~this State, the State declares that the continuation of such~~
24 ~~10% minimum goals under this amendatory Act of 1989 is a~~
25 ~~narrowly tailored means of promoting open access and thus the~~

1 ~~further growth and development of minority and women~~
2 ~~businesses.~~

3 ~~The State of Illinois further declares that it is the~~
4 ~~public policy of this State to promote and encourage the~~
5 ~~continuous economic development of businesses owned by persons~~
6 ~~with disabilities and a 2% contracting goal is a narrowly~~
7 ~~tailored means of promoting open access and thus the further~~
8 ~~growth and development of those businesses.~~

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

10 (30 ILCS 575/2)

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

12 Sec. 2. Definitions.

13 (A) For the purpose of this Act, the following terms shall
14 have the following definitions:

15 (1) "Minority person" shall mean a person who is a
16 citizen or lawful permanent resident of the United States
17 and who is any of the following:

18 (a) American Indian or Alaska Native (a person
19 having origins in any of the original peoples of North
20 and South America, including Central America, and who
21 maintains tribal affiliation or community attachment).

22 (b) Asian (a person having origins in any of the
23 original peoples of the Far East, Southeast Asia, or
24 the Indian subcontinent, including, but not limited
25 to, Cambodia, China, India, Japan, Korea, Malaysia,

1 Pakistan, the Philippine Islands, Thailand, and
2 Vietnam).

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

5 (d) Hispanic or Latino (a person of Cuban,
6 Mexican, Puerto Rican, South or Central American, or
7 other Spanish culture or origin, regardless of race).

8 (e) Native Hawaiian or Other Pacific Islander (a
9 person having origins in any of the original peoples
10 of Hawaii, Guam, Samoa, or other Pacific Islands).

11 (2) "Woman" shall mean a person who is a citizen or
12 lawful permanent resident of the United States and who is
13 of the female gender.

14 (2.05) "Person with a disability" means a person who
15 is a citizen or lawful resident of the United States and is
16 a person qualifying as a person with a disability under
17 subdivision (2.1) of this subsection (A).

18 (2.1) "Person with a disability" means a person with a
19 severe physical or mental disability that:

20 (a) results from:

21 amputation,

22 arthritis,

23 autism,

24 blindness,

25 burn injury,

26 cancer,

1 cerebral palsy,
2 Crohn's disease,
3 cystic fibrosis,
4 deafness,
5 head injury,
6 heart disease,
7 hemiplegia,
8 hemophilia,
9 respiratory or pulmonary dysfunction,
10 an intellectual disability,
11 mental illness,
12 multiple sclerosis,
13 muscular dystrophy,
14 musculoskeletal disorders,
15 neurological disorders, including stroke and
16 epilepsy,
17 paraplegia,
18 quadriplegia and other spinal cord conditions,
19 sickle cell anemia,
20 ulcerative colitis,
21 specific learning disabilities, or
22 end stage renal failure disease; and
23 (b) substantially limits one or more of the
24 person's major life activities.

25 Another disability or combination of disabilities may
26 also be considered as a severe disability for the purposes

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

6 (2.15) "Veteran" means a person who (i) has been a
7 member of the armed forces of the United States or, while a
8 citizen of the United States, was a member of the armed
9 forces of allies of the United States in time of
10 hostilities with a foreign country and (ii) has served
11 under one or more of the following conditions: (a) the
12 veteran served a total of at least 6 months; (b) the
13 veteran served for the duration of hostilities regardless
14 of the length of the engagement; (c) the veteran was
15 discharged on the basis of hardship; or (d) the veteran
16 was released from active duty because of a service
17 connected disability and was discharged under honorable
18 conditions.

19 (3) "Minority-owned business" means a business which
20 is at least 51% owned by one or more minority persons, or
21 in the case of a corporation, at least 51% of the stock in
22 which is owned by one or more minority persons; and the
23 management and daily business operations of which are
24 controlled by one or more of the minority individuals who
25 own it.

26 (4) "Women-owned business" means a business which is

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

6 (4.1) "Business owned by a person with a disability"
7 means a business that is at least 51% owned by one or more
8 persons with a disability and the management and daily
9 business operations of which are controlled by one or more
10 of the persons with disabilities who own it. A
11 not-for-profit agency for persons with disabilities that
12 is exempt from taxation under Section 501 of the Internal
13 Revenue Code of 1986 is also considered a "business owned
14 by a person with a disability".

15 (4.1-5) "Veteran-owned business" means a business
16 which is at least 51% owned by one or more veterans, or, in
17 the case of a corporation, at least 51% of the stock in
18 which is owned by one or more veterans; and the management
19 and daily business operations of which are controlled by
20 one or more of the veterans who own it.

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

24 (5) "State contracts" means all contracts entered into
25 by the State, any agency or department thereof, or any
26 public institution of higher education, including

1 community college districts, regardless of the source of
2 the funds with which the contracts are paid, which are not
3 subject to federal reimbursement. "State contracts" does
4 not include contracts awarded by a retirement system,
5 pension fund, or investment board subject to Section
6 1-109.1 of the Illinois Pension Code. This definition
7 shall control over any existing definition under this Act
8 or applicable administrative rule.

9 "State construction contracts" means all State
10 contracts entered into by a State agency or public
11 institution of higher education for the repair,
12 remodeling, renovation or construction of a building or
13 structure, or for the construction or maintenance of a
14 highway defined in Article 2 of the Illinois Highway Code.

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

1 other local governmental units, or other State
2 constitutional officers.

3 (7) "Public institutions of higher education" means
4 the University of Illinois, Southern Illinois University,
5 Chicago State University, Eastern Illinois University,
6 Governors State University, Illinois State University,
7 Northeastern Illinois University, Northern Illinois
8 University, Western Illinois University, the public
9 community colleges of the State, and any other public
10 universities, colleges, and community colleges now or
11 hereafter established or authorized by the General
12 Assembly.

13 (8) "Certification" means a determination made by the
14 Council or by one delegated authority from the Council to
15 make certifications, or by a State agency with statutory
16 authority to make such a certification, that a business
17 entity is a business owned by a minority, woman, veteran,
18 or person with a disability for whatever purpose. If a
19 business qualifies for more than one certification, it
20 shall be certified for all designations for which it
21 qualifies. ~~A business owned and controlled by women shall~~
22 ~~be certified as a "woman-owned business". A business owned~~
23 ~~and controlled by women who are also minorities shall be~~
24 ~~certified as both a "women-owned business" and a~~
25 ~~"minority-owned business".~~

26 (9) "Control" means the exclusive or ultimate and sole

1 control of the business including, but not limited to,
2 capital investment and all other financial matters,
3 property, acquisitions, contract negotiations, legal
4 matters, officer-director-employee selection and
5 comprehensive hiring, operating responsibilities,
6 cost-control matters, income and dividend matters,
7 financial transactions and rights of other shareholders or
8 joint partners. Control shall be real, substantial and
9 continuing, not pro forma. Control shall include the power
10 to direct or cause the direction of the management and
11 policies of the business and to make the day-to-day as
12 well as major decisions in matters of policy, management
13 and operations. Control shall be exemplified by possessing
14 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" means a business that has annual gross
18 sales of less than \$75,000,000 as evidenced by the federal
19 income tax return of the business. A firm with gross sales
20 in excess of this cap may apply to the Council for
21 certification for a particular contract if the firm can
22 demonstrate that the contract would have significant
23 impact on businesses owned by minorities, women, veterans,
24 or persons with disabilities as suppliers or
25 subcontractors or in employment of minorities, women,
26 veterans, or persons with disabilities.

1 (11) "Utilization plan" means a form and additional
2 documentations included in all bids or proposals that
3 demonstrates a vendor's proposed utilization of vendors
4 certified by the Business Enterprise Program to meet the
5 targeted goal. The utilization plan shall demonstrate that
6 the Vendor has either: (1) met the entire contract goal or
7 (2) requested a full or partial waiver and made good faith
8 efforts towards meeting the goal.

9 (12) "Business Enterprise Program" means the Business
10 Enterprise Program of the Department of Central Management
11 Services.

12 (13) "Armed forces of the United States" means the
13 United States Army, Navy, Air Force, Marine Corps, Coast
14 Guard, or service in active duty as defined under 38
15 U.S.C. Section 101. Service in the Merchant Marine that
16 constitutes active duty under Section 401 of federal
17 Public Act 95-202 shall also be considered service in the
18 armed forces for purposes of this Section.

19 (14) "Time of hostilities with a foreign country"
20 means any period of time in the past, present, or future
21 during which a declaration of war by the United States
22 Congress has been or is in effect or during which an
23 emergency condition has been or is in effect that is
24 recognized by the issuance of a Presidential proclamation
25 or a Presidential executive order and in which the armed
26 forces expeditionary medal or other campaign service

1 medals are awarded according to Presidential executive
2 order.

3 (B) When a business is owned at least 51% by any
4 combination of minority persons, women, veterans, or persons
5 with disabilities, even though none of the 3 classes alone
6 holds at least a 51% interest, the ownership requirement for
7 purposes of this Act is considered to be met. The
8 certification category for the business is that of the class
9 holding the largest ownership interest in the business. If 2
10 or more classes have equal ownership interests, the
11 certification category shall be determined by the business.
12 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20.)

13 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

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

15 Sec. 4. Award of State contracts.

16 (a) Except as provided in subsection (b), not less than
17 20% of the total dollar amount of State contracts, as defined
18 by the Secretary of the Council and approved by the Council,
19 shall be established as an aspirational goal to be awarded to
20 businesses owned by minorities, women, veterans, and persons
21 with disabilities; ~~provided, however, that of the total amount~~
22 ~~of all State contracts awarded to businesses owned by~~
23 ~~minorities, women, and persons with disabilities pursuant to~~
24 ~~this Section, contracts representing at least 11% shall be~~
25 ~~awarded to businesses owned by minorities, contracts~~

1 ~~representing at least 7% shall be awarded to women-owned~~
2 ~~businesses, and contracts representing at least 2% shall be~~
3 ~~awarded to businesses owned by persons with disabilities.~~

4 The above percentage relates to the total dollar amount of
5 State contracts during each State fiscal year, calculated by
6 examining independently each type of contract for each agency
7 or public institutions of higher education which lets such
8 contracts. Only that percentage of arrangements which
9 represents the participation of businesses owned by
10 minorities, women, veterans, and persons with disabilities on
11 such contracts shall be included. State contracts subject to
12 the requirements of this Act shall include the requirement
13 that only expenditures to businesses owned by minorities,
14 women, veterans, and persons with disabilities that perform a
15 commercially useful function may be counted toward the goals
16 set forth by this Act. Contracts shall include a definition of
17 "commercially useful function" that is consistent with 49 CFR
18 26.55(c).

19 (b) Not less than 20% of the total dollar amount of State
20 construction contracts is established as an aspirational goal
21 to be awarded to businesses owned by minorities, women,
22 veterans, and persons with disabilities; ~~provided that,~~
23 ~~contracts representing at least 11% of the total dollar amount~~
24 ~~of State construction contracts shall be awarded to businesses~~
25 ~~owned by minorities; contracts representing at least 7% of the~~
26 ~~total dollar amount of State construction contracts shall be~~

1 ~~awarded to women-owned businesses; and contracts representing~~
2 ~~at least 2% of the total dollar amount of State construction~~
3 ~~contracts shall be awarded to businesses owned by persons with~~
4 ~~disabilities.~~

5 (c) (Blank).

6 (d) Within one year after April 28, 2009 (the effective
7 date of Public Act 96-8), the Department of Central Management
8 Services shall conduct a social scientific study that measures
9 the impact of discrimination on minority and women business
10 development in Illinois. Within 18 months after April 28, 2009
11 (the effective date of Public Act 96-8), the Department shall
12 issue a report of its findings and any recommendations on
13 whether to adjust the goals for minority and women
14 participation established in this Act. Copies of this report
15 and the social scientific study shall be filed with the
16 Governor and the General Assembly.

17 By December 1, 2020, the Department of Central Management
18 Services shall conduct a new social scientific study that
19 measures the impact of discrimination on minority and women
20 business development in Illinois. By June 1, 2022, the
21 Department shall issue a report of its findings and any
22 recommendations on whether to adjust the goals for minority
23 and women participation established in this Act. Copies of
24 this report and the social scientific study shall be filed
25 with the Governor, ~~the Advisory Board,~~ and the General
26 Assembly. By December 1, 2022, the Department of Central

1 Management Services Business Enterprise Program shall develop
2 a model for social scientific disparity study sourcing for
3 local governmental units to adapt and implement to address
4 regional disparities in public procurement.

5 (e) Except as permitted under this Act or as otherwise
6 mandated by federal law or regulation, those who submit bids
7 or proposals for State contracts subject to the provisions of
8 this Act, whose bids or proposals are successful and include a
9 utilization plan but that fail to meet the goals set forth in
10 subsection (b) of this Section, shall be notified of that
11 deficiency and shall be afforded a period not to exceed 10
12 calendar days from the date of notification to cure that
13 deficiency in the bid or proposal. The deficiency in the bid or
14 proposal may only be cured by contracting with additional
15 subcontracting businesses owned by minorities, women,
16 veterans, or persons with disabilities ~~subcontractors who are~~
17 ~~owned by minorities or women.~~ Any increase in cost to a
18 contract for the addition of a subcontractor to cure a bid's
19 deficiency shall not affect the bid price, shall not be used in
20 the request for an exemption in this Act, and in no case shall
21 an identified subcontractor with a certification made pursuant
22 to this Act be terminated from the contract without the
23 written consent of the State agency or public institution of
24 higher education entering into the contract.

25 (f) Non-construction solicitations that include Business
26 Enterprise Program participation goals shall require bidders

1 and offerors to include utilization plans. Utilization plans
2 are due at the time of bid or offer submission. Failure to
3 complete and include a utilization plan, including
4 documentation demonstrating good faith effort when requesting
5 a waiver, shall render the bid or offer non-responsive.

6 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
7 101-601, eff. 1-1-20; revised 10-26-20.)

8 (30 ILCS 575/4f)

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

10 Sec. 4f. Award of State contracts.

11 (1) It is hereby declared to be the public policy of the
12 State of Illinois to promote and encourage each State agency
13 and public institution of higher education to use businesses
14 owned by minorities, women, veterans, and persons with
15 disabilities in the area of goods and services, including, but
16 not limited to, insurance services, investment management
17 services, information technology services, accounting
18 services, architectural and engineering services, and legal
19 services. Furthermore, each State agency and public
20 institution of higher education shall utilize such firms to
21 the greatest extent feasible within the bounds of financial
22 and fiduciary prudence, and take affirmative steps to remove
23 any barriers to the full participation of such firms in the
24 procurement and contracting opportunities afforded.

25 (a) When a State agency or public institution of

1 higher education, other than a community college, awards a
2 contract for insurance services, for each State agency or
3 public institution of higher education, it shall be the
4 aspirational goal to use insurance brokers owned by
5 minorities, women, veterans, and persons with disabilities
6 as defined by this Act, for not less than 20% of the total
7 annual premiums or fees; provided that, contracts
8 representing at least 11% of the total annual premiums or
9 fees shall be awarded to businesses owned by minorities;
10 contracts representing at least 7% of the total annual
11 premiums or fees shall be awarded to women-owned
12 businesses; and contracts representing at least 2% of the
13 total annual premiums or fees shall be awarded to
14 businesses owned by persons with disabilities.

15 (b) When a State agency or public institution of
16 higher education, other than a community college, awards a
17 contract for investment services, for each State agency or
18 public institution of higher education, it shall be the
19 aspirational goal to use emerging investment managers
20 owned by minorities, women, veterans, and persons with
21 disabilities as defined by this Act, for not less than 20%
22 of the total funds under management; provided that,
23 contracts representing at least 11% of the total funds
24 under management shall be awarded to businesses owned by
25 minorities; contracts representing at least 7% of the
26 total funds under management shall be awarded to

1 women-owned businesses; and contracts representing at
2 least 2% of the total funds under management shall be
3 awarded to businesses owned by persons with disabilities.
4 Furthermore, it is the aspirational goal that not less
5 than 20% of the direct asset managers of the State funds be
6 minorities, women, veterans, and persons with
7 disabilities.

8 (c) When a State agency or public institution of
9 higher education, other than a community college, awards
10 contracts for information technology services, accounting
11 services, architectural and engineering services, and
12 legal services, for each State agency and public
13 institution of higher education, it shall be the
14 aspirational goal to use such firms owned by minorities,
15 women, and persons with disabilities as defined by this
16 Act and lawyers who are minorities, women, veterans, and
17 persons with disabilities as defined by this Act, for not
18 less than 20% of the total dollar amount of State
19 contracts; provided that, contracts representing at least
20 11% of the total dollar amount of State contracts shall be
21 awarded to businesses owned by minorities or minority
22 lawyers; contracts representing at least 7% of the total
23 dollar amount of State contracts shall be awarded to
24 women-owned businesses or women who are lawyers; and
25 contracts representing at least 2% of the total dollar
26 amount of State contracts shall be awarded to businesses

1 owned by persons with disabilities or persons with
2 disabilities who are lawyers.

3 (d) When a community college awards a contract for
4 insurance services, investment services, information
5 technology services, accounting services, architectural
6 and engineering services, and legal services, it shall be
7 the aspirational goal of each community college to use
8 businesses owned by minorities, women, veterans, and
9 persons with disabilities as defined in this Act for not
10 less than 20% of the total amount spent on contracts for
11 these services collectively; provided that, contracts
12 representing at least 11% of the total amount spent on
13 contracts for these services shall be awarded to
14 businesses owned by minorities; contracts representing at
15 least 7% of the total amount spent on contracts for these
16 services shall be awarded to women-owned businesses; and
17 contracts representing at least 2% of the total amount
18 spent on contracts for these services shall be awarded to
19 businesses owned by persons with disabilities. When a
20 community college awards contracts for investment
21 services, contracts awarded to investment managers who are
22 not emerging investment managers as defined in this Act
23 shall not be considered businesses owned by minorities,
24 women, veterans, or persons with disabilities for the
25 purposes of this Section.

26 (2) As used in this Section:

1 "Accounting services" means the measurement,
2 processing and communication of financial information
3 about economic entities including, but is not limited to,
4 financial accounting, management accounting, auditing,
5 cost containment and auditing services, taxation and
6 accounting information systems.

7 "Architectural and engineering services" means
8 professional services of an architectural or engineering
9 nature, or incidental services, that members of the
10 architectural and engineering professions, and individuals
11 in their employ, may logically or justifiably perform,
12 including studies, investigations, surveying and mapping,
13 tests, evaluations, consultations, comprehensive
14 planning, program management, conceptual designs, plans
15 and specifications, value engineering, construction phase
16 services, soils engineering, drawing reviews, preparation
17 of operating and maintenance manuals, and other related
18 services.

19 "Emerging investment manager" means an investment
20 manager or claims consultant having assets under
21 management below \$10 billion or otherwise adjudicating
22 claims.

23 "Information technology services" means, but is not
24 limited to, specialized technology-oriented solutions by
25 combining the processes and functions of software,
26 hardware, networks, telecommunications, web designers,

1 cloud developing resellers, and electronics.

2 "Insurance broker" means an insurance brokerage firm,
3 claims administrator, or both, that procures, places all
4 lines of insurance, or administers claims with annual
5 premiums or fees of at least \$5,000,000 but not more than
6 \$10,000,000.

7 "Legal services" means work performed by a lawyer
8 including, but not limited to, contracts in anticipation
9 of litigation, enforcement actions, or investigations.

10 (3) Each State agency and public institution of higher
11 education shall adopt policies that identify its plan and
12 implementation procedures for increasing the use of service
13 firms owned by minorities, women, veterans, and persons with
14 disabilities.

15 (4) Except as provided in subsection (5), the Council
16 shall file no later than March 1 of each year an annual report
17 to the Governor, the Bureau on Apprenticeship Programs, and
18 the General Assembly. The report filed with the General
19 Assembly shall be filed as required in Section 3.1 of the
20 General Assembly Organization Act. This report shall: (i)
21 identify the service firms used by each State agency and
22 public institution of higher education, (ii) identify the
23 actions it has undertaken to increase the use of service firms
24 owned by minorities, women, veterans, and persons with
25 disabilities, including encouraging non-minority-owned firms
26 to use other service firms owned by minorities, women,

1 veterans, and persons with disabilities as subcontractors when
2 the opportunities arise, (iii) state any recommendations made
3 by the Council to each State agency and public institution of
4 higher education to increase participation by the use of
5 service firms owned by minorities, women, veterans, and
6 persons with disabilities, and (iv) include the following:

7 (A) For insurance services: the names of the insurance
8 brokers or claims consultants used, the total of risk
9 managed by each State agency and public institution of
10 higher education by insurance brokers, the total
11 commissions, fees paid, or both, the lines or insurance
12 policies placed, and the amount of premiums placed; and
13 the percentage of the risk managed by insurance brokers,
14 the percentage of total commission, fees paid, or both,
15 the lines or insurance policies placed, and the amount of
16 premiums placed with each by the insurance brokers owned
17 by minorities, women, veterans, and persons with
18 disabilities by each State agency and public institution
19 of higher education.

20 (B) For investment management services: the names of
21 the investment managers used, the total funds under
22 management of investment managers; the total commissions,
23 fees paid, or both; the total and percentage of funds
24 under management of emerging investment managers owned by
25 minorities, women, veterans, and persons with
26 disabilities, including the total and percentage of total

1 commissions, fees paid, or both by each State agency and
2 public institution of higher education.

3 (C) The names of service firms, the percentage and
4 total dollar amount paid for professional services by
5 category by each State agency and public institution of
6 higher education.

7 (D) The names of service firms, the percentage and
8 total dollar amount paid for services by category to firms
9 owned by minorities, women, veterans, and persons with
10 disabilities by each State agency and public institution
11 of higher education.

12 (E) The total number of contracts awarded for services
13 by category and the total number of contracts awarded to
14 firms owned by minorities, women, veterans, and persons
15 with disabilities by each State agency and public
16 institution of higher education.

17 (5) For community college districts, the Business
18 Enterprise Council shall only report the following information
19 for each community college district: (i) the name of the
20 community colleges in the district, (ii) the name and contact
21 information of a person at each community college appointed to
22 be the single point of contact for vendors owned by
23 minorities, women, veterans, or persons with disabilities,
24 (iii) the policy of the community college district concerning
25 certified vendors, (iv) the certifications recognized by the
26 community college district for determining whether a business

1 is owned or controlled by a minority, woman, veteran, or
2 person with a disability, (v) outreach efforts conducted by
3 the community college district to increase the use of
4 certified vendors, (vi) the total expenditures by the
5 community college district in the prior fiscal year in the
6 divisions of work specified in paragraphs (a), (b), and (c) of
7 subsection (1) of this Section and the amount paid to
8 certified vendors in those divisions of work, and (vii) the
9 total number of contracts entered into for the divisions of
10 work specified in paragraphs (a), (b), and (c) of subsection
11 (1) of this Section and the total number of contracts awarded
12 to certified vendors providing these services to the community
13 college district. The Business Enterprise Council shall not
14 make any utilization reports under this Act for community
15 college districts for Fiscal Year 2015 and Fiscal Year 2016,
16 but shall make the report required by this subsection for
17 Fiscal Year 2017 and for each fiscal year thereafter. The
18 Business Enterprise Council shall report the information in
19 items (i), (ii), (iii), and (iv) of this subsection beginning
20 in September of 2016. The Business Enterprise Council may
21 collect the data needed to make its report from the Illinois
22 Community College Board.

23 (6) The status of the utilization of services shall be
24 discussed at each of the regularly scheduled Business
25 Enterprise Council meetings. Time shall be allotted for the
26 Council to receive, review, and discuss the progress of the

1 use of service firms owned by minorities, women, veterans, and
2 persons with disabilities by each State agency and public
3 institution of higher education; and any evidence regarding
4 past or present racial, ethnic, or gender-based discrimination
5 which directly impacts a State agency or public institution of
6 higher education contracting with such firms. If after
7 reviewing such evidence the Council finds that there is or has
8 been such discrimination against a specific group, race or
9 sex, the Council shall establish sheltered markets or adjust
10 existing sheltered markets tailored to address the Council's
11 specific findings for the divisions of work specified in
12 paragraphs (a), (b), and (c) of subsection (1) of this
13 Section.

14 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

15 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

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

17 Sec. 5. Business Enterprise Council.

18 (1) To help implement, monitor, and enforce the goals of
19 this Act, there is created the Business Enterprise Council for
20 Minorities, Women, Veterans, and Persons with Disabilities,
21 hereinafter referred to as the Council, composed of the
22 Secretary of Human Services and the Directors of the
23 Department of Human Rights, the Department of Commerce and
24 Economic Opportunity, the Department of Central Management
25 Services, the Department of Transportation and the Capital

1 Development Board, or their duly appointed representatives,
2 with the Comptroller, or his or her designee, serving as an
3 advisory member of the Council. Ten individuals representing
4 businesses that are minority-owned, ~~or~~ women-owned,
5 veteran-owned, or owned by persons with disabilities, 2
6 individuals representing the business community, and a
7 representative of public institutions of higher education
8 shall be appointed by the Governor. These members shall serve
9 2-year ~~2-year~~ terms and shall be eligible for reappointment.
10 Any vacancy occurring on the Council shall also be filled by
11 the Governor. Any member appointed to fill a vacancy occurring
12 prior to the expiration of the term for which his or her
13 predecessor was appointed shall be appointed for the remainder
14 of such term. Members of the Council shall serve without
15 compensation but shall be reimbursed for any ordinary and
16 necessary expenses incurred in the performance of their
17 duties.

18 The Director of the Department of Central Management
19 Services shall serve as the Council chairperson and shall
20 select, subject to approval of the council, a Secretary
21 responsible for the operation of the program who shall serve
22 as the Division Manager of the Business Enterprise for
23 Minorities, Women, Veterans, and Persons with Disabilities
24 Division of the Department of Central Management Services.

25 The Director of each State agency and the chief executive
26 officer of each public institution ~~institutions~~ of higher

1 education shall appoint a liaison to the Council. The liaison
2 shall be responsible for submitting to the Council any reports
3 and documents necessary under this Act.

4 (2) The Council's authority and responsibility shall be
5 to:

6 (a) Devise a certification procedure to assure that
7 businesses taking advantage of this Act are legitimately
8 classified as businesses owned by minorities, women,
9 veterans, or persons with disabilities and a registration
10 procedure to recognize, without additional evidence of
11 Business Enterprise Program eligibility, the certification
12 of businesses owned by minorities, women, or persons with
13 disabilities certified by the City of Chicago, Cook
14 County, or other jurisdictional programs with requirements
15 and procedures equaling or exceeding those in this Act.

16 (b) Maintain a list of all businesses legitimately
17 classified as businesses owned by minorities, women,
18 veterans, or persons with disabilities to provide to State
19 agencies and public institutions of higher education.

20 (c) Review rules and regulations for the
21 implementation of the program for businesses owned by
22 minorities, women, veterans, and persons with
23 disabilities.

24 (d) Review compliance plans submitted by each State
25 agency and public institution ~~institutions~~ of higher
26 education pursuant to this Act.

1 (e) Make annual reports as provided in Section 8f to
2 the Governor and the General Assembly on the status of the
3 program.

4 (f) Serve as a central clearinghouse for information
5 on State contracts, including the maintenance of a list of
6 all pending State contracts upon which businesses owned by
7 minorities, women, veterans, and persons with disabilities
8 may bid. At the Council's discretion, maintenance of the
9 list may include 24-hour electronic access to the list
10 along with the bid and application information.

11 (g) Establish a toll-free ~~toll-free~~ telephone number
12 to facilitate information requests concerning the
13 certification process and pending contracts.

14 (3) No premium bond rate of a surety company for a bond
15 required of a business owned by a minority, woman, veteran, or
16 person with a disability bidding for a State contract shall be
17 higher than the lowest rate charged by that surety company for
18 a similar bond in the same classification of work that would be
19 written for a business not owned by a minority, woman,
20 veteran, or person with a disability.

21 (4) Any Council member who has direct financial or
22 personal interest in any measure pending before the Council
23 shall disclose this fact to the Council and refrain from
24 participating in the determination upon such measure.

25 (5) The Secretary shall have the following duties and
26 responsibilities:

1 (a) To be responsible for the day-to-day operation of
2 the Council.

3 (b) To serve as a coordinator for all of the State's
4 programs for businesses owned by minorities, women,
5 veterans, and persons with disabilities and as the
6 information and referral center for all State initiatives
7 for businesses owned by minorities, women, veterans, and
8 persons with disabilities.

9 (c) To establish an enforcement procedure whereby the
10 Council may recommend to the appropriate State legal
11 officer that the State exercise its legal remedies which
12 shall include (1) termination of the contract involved,
13 (2) prohibition of participation by the respondent in
14 public contracts for a period not to exceed 3 years, (3)
15 imposition of a penalty not to exceed any profit acquired
16 as a result of violation, or (4) any combination thereof.
17 Such procedures shall require prior approval by Council.
18 All funds collected as penalties under this subsection
19 shall be used exclusively for maintenance and further
20 development of the Business Enterprise Program and
21 encouragement of participation in State procurement by
22 minorities, women, and persons with disabilities.

23 (d) To devise appropriate policies, regulations, and
24 procedures for including participation by businesses owned
25 by minorities, women, veterans, and persons with
26 disabilities as prime contractors, including, but not

1 limited to: (i) encouraging the inclusions of qualified
2 businesses owned by minorities, women, veterans, and
3 persons with disabilities on solicitation lists, (ii)
4 investigating the potential of blanket bonding programs
5 for small construction jobs, and (iii) investigating and
6 making recommendations concerning the use of the sheltered
7 market process.

8 (e) To devise procedures for the waiver of the
9 participation goals in appropriate circumstances.

10 (f) To accept donations and, with the approval of the
11 Council or the Director of Central Management Services,
12 grants related to the purposes of this Act; to conduct
13 seminars related to the purpose of this Act and to charge
14 reasonable registration fees; and to sell directories,
15 vendor lists, and other such information to interested
16 parties, except that forms necessary to become eligible
17 for the program shall be provided free of charge to a
18 business or individual applying for the program.

19 (Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;
20 101-601, eff. 1-1-20; revised 8-18-20.)

21 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

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

23 Sec. 6. Agency compliance plans. Each State agency and
24 public institutions of higher education under the jurisdiction
25 of this Act shall file with the Council an annual compliance

1 plan which shall outline the goals of the State agency or
2 public institutions of higher education for contracting with
3 businesses owned by minorities, women, veterans, and persons
4 with disabilities for the then current fiscal year, the manner
5 in which the agency intends to reach these goals and a
6 timetable for reaching these goals. The Council shall review
7 and approve the plan of each State agency and public
8 institutions of higher education and may reject any plan that
9 does not comply with this Act or any rules or regulations
10 promulgated pursuant to this Act.

11 (a) The compliance plan shall also include, but not be
12 limited to, (1) a policy statement, signed by the State agency
13 or public institution of higher education head, expressing a
14 commitment to encourage the use of businesses owned by
15 minorities, women, veterans, and persons with disabilities,
16 (2) the designation of the liaison officer provided for in
17 Section 5 of this Act, (3) procedures to distribute to
18 potential contractors and vendors the list of all businesses
19 legitimately classified as businesses owned by minorities,
20 women, veterans, and persons with disabilities and so
21 certified under this Act, (4) procedures to set separate
22 contract goals on specific prime contracts and purchase orders
23 with subcontracting possibilities based upon the type of work
24 or services and subcontractor availability, (5) procedures to
25 assure that contractors and vendors make good faith efforts to
26 meet contract goals, (6) procedures for contract goal

1 exemption, modification and waiver, and (7) the delineation of
2 separate contract goals for businesses owned by minorities,
3 women, veterans, and persons with disabilities.

4 (b) Approval of the compliance plans shall include such
5 delegation of responsibilities to the requesting State agency
6 or public institution of higher education as the Council deems
7 necessary and appropriate to fulfill the purpose of this Act.
8 Such responsibilities may include, but need not be limited to
9 those outlined in subsections (1), (2) and (3) of Section 7,
10 paragraph (a) of Section 8, and Section 8a of this Act.

11 (c) Each State agency and public institution of higher
12 education under the jurisdiction of this Act shall file with
13 the Council an annual report of its utilization of businesses
14 owned by minorities, women, veterans, and persons with
15 disabilities during the preceding fiscal year including lapse
16 period spending and a mid-fiscal year report of its
17 utilization to date for the then current fiscal year. The
18 reports shall include a self-evaluation of the efforts of the
19 State agency or public institution of higher education to meet
20 its goals under the Act.

21 (d) Notwithstanding any provisions to the contrary in this
22 Act, any State agency or public institution of higher
23 education which administers a construction program, for which
24 federal law or regulations establish standards and procedures
25 for the utilization of businesses owned by minorities, women,
26 veterans, and persons with disabilities ~~minority owned and~~

1 ~~women-owned businesses and disadvantaged businesses,~~ shall
2 implement a disadvantaged business enterprise program to
3 include businesses owned by minorities, women, veterans, and
4 persons with disabilities ~~minority-owned and women-owned~~
5 ~~businesses and disadvantaged businesses,~~ using the federal
6 standards and procedures for the establishment of goals and
7 utilization procedures for the State-funded, as well as the
8 federally assisted, portions of the program. In such cases,
9 these goals shall not exceed those established pursuant to the
10 relevant federal statutes or regulations. Notwithstanding the
11 provisions of Section 8b, the Illinois Department of
12 Transportation is authorized to establish sheltered markets
13 for the State-funded portions of the program consistent with
14 federal law and regulations. Additionally, a compliance plan
15 which is filed by such State agency or public institution of
16 higher education pursuant to this Act, which incorporates
17 equivalent terms and conditions of its federally-approved
18 compliance plan, shall be deemed approved under this Act.

19 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

20 (30 ILCS 575/6a) (from Ch. 127, par. 132.606a)

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

22 Sec. 6a. Notice of contracts to Council. Except in case of
23 emergency as defined in the Illinois Procurement Code, or as
24 authorized by rule promulgated by the Department of Central
25 Management Services, each agency and public institution of

1 higher education under the jurisdiction of this Act shall
2 notify the Secretary of the Council of proposed contracts for
3 professional and artistic services and provide the information
4 in the form and detail as required by rule promulgated by the
5 Department of Central Management Services. Notification may be
6 made through direct written communication to the Secretary to
7 be received at least 14 days before execution of the contract
8 (or the solicitation response date, if applicable). The agency
9 or public institution of higher education must consider any
10 vendor referred by the Secretary before execution of the
11 contract. The provisions of this Section shall not apply to
12 any State agency or public institution of higher education
13 that has awarded contracts for professional and artistic
14 services to businesses owned by minorities, women, veterans,
15 and persons with disabilities totaling in the aggregate
16 \$40,000,000 or more during the preceding fiscal year.

17 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

18 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

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

20 Sec. 7. Exemptions; waivers; publication of data.

21 (1) Individual contract exemptions. The Council, at the
22 written request of the affected agency, public institution of
23 higher education, or recipient of a grant or loan of State
24 funds of \$250,000 or more complying with Section 45 of the
25 State Finance Act, may permit an individual contract or

1 contract package, (related contracts being bid or awarded
2 simultaneously for the same project or improvements) be made
3 wholly or partially exempt from State contracting goals for
4 businesses owned by minorities, women, veterans, and persons
5 with disabilities prior to the advertisement for bids or
6 solicitation of proposals whenever there has been a
7 determination, reduced to writing and based on the best
8 information available at the time of the determination, that
9 there is an insufficient number of businesses owned by
10 minorities, women, veterans, and persons with disabilities to
11 ensure adequate competition and an expectation of reasonable
12 prices on bids or proposals solicited for the individual
13 contract or contract package in question. Any such exemptions
14 shall be given by the Council to the Bureau on Apprenticeship
15 Programs.

16 (a) Written request for contract exemption. A written
17 request for an individual contract exemption must include,
18 but is not limited to, the following:

19 (i) a list of eligible businesses owned by
20 minorities, women, veterans, and persons with
21 disabilities;

22 (ii) a clear demonstration that the number of
23 eligible businesses identified in subparagraph (i)
24 above is insufficient to ensure adequate competition;

25 (iii) the difference in cost between the contract
26 proposals being offered by businesses owned by

1 minorities, women, veterans, and persons with
2 disabilities and the agency or public institution of
3 higher education's expectations of reasonable prices
4 on bids or proposals within that class; and

5 (iv) a list of eligible businesses owned by
6 minorities, women, veterans, and persons with
7 disabilities that the contractor has used in the
8 current and prior fiscal years.

9 (b) Determination. The Council's determination
10 concerning an individual contract exemption must consider,
11 at a minimum, the following:

12 (i) the justification for the requested exemption,
13 including whether diligent efforts were undertaken to
14 identify and solicit eligible businesses owned by
15 minorities, women, veterans, and persons with
16 disabilities;

17 (ii) the total number of exemptions granted to the
18 affected agency, public institution of higher
19 education, or recipient of a grant or loan of State
20 funds of \$250,000 or more complying with Section 45 of
21 the State Finance Act that have been granted by the
22 Council in the current and prior fiscal years; and

23 (iii) the percentage of contracts awarded by the
24 agency or public institution of higher education to
25 eligible businesses owned by minorities, women,
26 veterans, and persons with disabilities in the current

1 and prior fiscal years.

2 (2) Class exemptions.

3 (a) Creation. The Council, at the written request of
4 the affected agency or public institution of higher
5 education, may permit an entire class of contracts be made
6 exempt from State contracting goals for businesses owned
7 by minorities, women, veterans, and persons with
8 disabilities whenever there has been a determination,
9 reduced to writing and based on the best information
10 available at the time of the determination, that there is
11 an insufficient number of qualified businesses owned by
12 minorities, women, veterans, and persons with disabilities
13 to ensure adequate competition and an expectation of
14 reasonable prices on bids or proposals within that class.
15 Any such exemption shall be given by the Council to the
16 Bureau on Apprenticeship Programs.

17 (a-1) Written request for class exemption. A written
18 request for a class exemption must include, but is not
19 limited to, the following:

20 (i) a list of eligible businesses owned by
21 minorities, women, veterans, and persons with
22 disabilities;

23 (ii) a clear demonstration that the number of
24 eligible businesses identified in subparagraph (i)
25 above is insufficient to ensure adequate competition;

26 (iii) the difference in cost between the contract

1 proposals being offered by eligible businesses owned
2 by minorities, women, veterans, and persons with
3 disabilities and the agency or public institution of
4 higher education's expectations of reasonable prices
5 on bids or proposals within that class; and

6 (iv) the number of class exemptions the affected
7 agency or public institution of higher education
8 requested in the current and prior fiscal years.

9 (a-2) Determination. The Council's determination
10 concerning class exemptions must consider, at a minimum,
11 the following:

12 (i) the justification for the requested exemption,
13 including whether diligent efforts were undertaken to
14 identify and solicit eligible businesses owned by
15 minorities, women, veterans, and persons with
16 disabilities;

17 (ii) the total number of class exemptions granted
18 to the requesting agency or public institution of
19 higher education that have been granted by the Council
20 in the current and prior fiscal years; and

21 (iii) the percentage of contracts awarded by the
22 agency or public institution of higher education to
23 eligible businesses owned by minorities, women,
24 veterans, and persons with disabilities the current
25 and prior fiscal years.

26 (b) Limitation. Any such class exemption shall not be

1 permitted for a period of more than one year at a time.

2 (3) Waivers. Where a particular contract requires a
3 contractor to meet a goal established pursuant to this Act,
4 the contractor shall have the right to request a waiver from
5 such requirements. The Council shall grant the waiver where
6 the contractor demonstrates that there has been made a good
7 faith effort to comply with the goals for participation by
8 businesses owned by minorities, women, veterans, and persons
9 with disabilities. Any such waiver shall also be transmitted
10 in writing to the Bureau on Apprenticeship Programs.

11 (a) Request for waiver. A contractor's request for a
12 waiver under this subsection (3) must include, but is not
13 limited to, the following, if available:

14 (i) a list of eligible businesses owned by
15 minorities, women, veterans, and persons with
16 disabilities that pertain to the class of contracts in
17 the requested waiver;

18 (ii) a clear demonstration that the number of
19 eligible businesses identified in subparagraph (i)
20 above is insufficient to ensure competition;

21 (iii) the difference in cost between the contract
22 proposals being offered by businesses owned by
23 minorities, women, veterans, and persons with
24 disabilities and the agency or the public institution
25 of higher education's expectations of reasonable
26 prices on bids or proposals within that class; and

1 (iv) a list of businesses owned by minorities,
2 women, veterans, and persons with disabilities that
3 the contractor has used in the current and prior
4 fiscal years.

5 (b) Determination. The Council's determination
6 concerning waivers must include following:

7 (i) the justification for the requested waiver,
8 including whether the requesting contractor made a
9 good faith effort to identify and solicit eligible
10 businesses owned by minorities, women, veterans, and
11 persons with disabilities;

12 (ii) the total number of waivers the contractor
13 has been granted by the Council in the current and
14 prior fiscal years;

15 (iii) the percentage of contracts awarded by the
16 agency or public institution of higher education to
17 eligible businesses owned by minorities, women,
18 veterans, and persons with disabilities in the current
19 and prior fiscal years; and

20 (iv) the contractor's use of businesses owned by
21 minorities, women, veterans, and persons with
22 disabilities in the current and prior fiscal years.

23 (3.5) (Blank).

24 (4) Conflict with other laws. In the event that any State
25 contract, which otherwise would be subject to the provisions
26 of this Act, is or becomes subject to federal laws or

1 regulations which conflict with the provisions of this Act or
2 actions of the State taken pursuant hereto, the provisions of
3 the federal laws or regulations shall apply and the contract
4 shall be interpreted and enforced accordingly.

5 (5) Each chief procurement officer, as defined in the
6 Illinois Procurement Code, shall maintain on his or her
7 official Internet website a database of the following: (i)
8 waivers granted under this Section with respect to contracts
9 under his or her jurisdiction; (ii) a State agency or public
10 institution of higher education's written request for an
11 exemption of an individual contract or an entire class of
12 contracts; and (iii) the Council's written determination
13 granting or denying a request for an exemption of an
14 individual contract or an entire class of contracts. The
15 database, which shall be updated periodically as necessary,
16 shall be searchable by contractor name and by contracting
17 State agency.

18 (6) Each chief procurement officer, as defined by the
19 Illinois Procurement Code, shall maintain on its website a
20 list of all firms that have been prohibited from bidding,
21 offering, or entering into a contract with the State of
22 Illinois as a result of violations of this Act.

23 Each public notice required by law of the award of a State
24 contract shall include for each bid or offer submitted for
25 that contract the following: (i) the bidder's or offeror's
26 name, (ii) the bid amount, (iii) the name or names of the

1 certified firms identified in the bidder's or offeror's
2 submitted utilization plan, and (iv) the bid's amount and
3 percentage of the contract awarded to businesses owned by
4 minorities, women, veterans, and persons with disabilities
5 identified in the utilization plan.

6 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
7 101-601, eff. 1-1-20.)

8 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

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

10 Sec. 8. Enforcement.

11 (1) The Council shall make such findings, recommendations
12 and proposals to the Governor as are necessary and appropriate
13 to enforce this Act. If, as a result of its monitoring
14 activities, the Council determines that its goals and policies
15 are not being met by any State agency or public institution of
16 higher education, the Council may recommend any or all of the
17 following actions:

18 (a) Establish enforcement procedures whereby the
19 Council may recommend to the appropriate State agency,
20 public institutions of higher education, or law
21 enforcement officer that legal or administrative remedies
22 be initiated for violations of contract provisions or
23 rules issued hereunder or by a contracting State agency or
24 public institutions of higher education. State agencies
25 and public institutions of higher education shall be

1 authorized to adopt remedies for such violations which
2 shall include (1) termination of the contract involved,
3 (2) prohibition of participation of the respondents in
4 public contracts for a period not to exceed one year, (3)
5 imposition of a penalty not to exceed any profit acquired
6 as a result of violation, or (4) any combination thereof.

7 (b) If the Council concludes that a compliance plan
8 submitted under Section 6 is unlikely to produce the
9 participation goals for businesses owned by minorities,
10 women, veterans, and persons with disabilities within the
11 then current fiscal year, the Council may recommend that
12 the State agency or public institution of higher education
13 revise its plan to provide additional opportunities for
14 participation by businesses owned by minorities, women,
15 veterans, and persons with disabilities. Such recommended
16 revisions may include, but shall not be limited to, the
17 following:

18 (i) assurances of stronger and better focused
19 solicitation efforts to obtain more businesses owned
20 by minorities, women, veterans, and persons with
21 disabilities as potential sources of supply;

22 (ii) division of job or project requirements, when
23 economically feasible, into tasks or quantities to
24 permit participation of businesses owned by
25 minorities, women, veterans, and persons with
26 disabilities;

1 (iii) elimination of extended experience or
2 capitalization requirements, when programmatically
3 feasible, to permit participation of businesses owned
4 by minorities, women, veterans, and persons with
5 disabilities;

6 (iv) identification of specific proposed contracts
7 as particularly attractive or appropriate for
8 participation by businesses owned by minorities,
9 women, veterans, and persons with disabilities, such
10 identification to result from and be coupled with the
11 efforts of subparagraphs (i) through (iii);

12 (v) implementation of those regulations
13 established for the use of the sheltered market
14 process.

15 (2) State agencies and public institutions of higher
16 education shall review a vendor's compliance with its
17 utilization plan and the terms of its contract. Without
18 limitation, a vendor's failure to comply with its contractual
19 commitments as contained in the utilization plan; failure to
20 cooperate in providing information regarding its compliance
21 with its utilization plan; or the provision of false or
22 misleading information or statements concerning compliance,
23 certification status, or eligibility of the Business
24 Enterprise Program-certified vendor, good faith efforts, or
25 any other material fact or representation shall constitute a
26 material breach of the contract and entitle the State agency

1 or public institution of higher education to declare a
2 default, terminate the contract, or exercise those remedies
3 provided for in the contract, at law, or in equity.

4 (3) A vendor shall be in breach of the contract and may be
5 subject to penalties for failure to meet contract goals
6 established under this Act, unless the vendor can show that it
7 made good faith efforts to meet the contract goals.

8 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

9 (30 ILCS 575/8a) (from Ch. 127, par. 132.608a)

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

11 Sec. 8a. Advance and progress payments. Any contract
12 awarded to a business owned by a minority, woman, veteran, or
13 person with a disability pursuant to this Act may contain a
14 provision for advance or progress payments, or both, except
15 that a State construction contract awarded to a businesses
16 owned by minorities, women, veterans, and persons with
17 disabilities ~~minority owned or women owned business~~ pursuant
18 to this Act may contain a provision for progress payments but
19 may not contain a provision for advance payments.

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

21 (30 ILCS 575/8b) (from Ch. 127, par. 132.608b)

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

23 Sec. 8b. Scheduled council meetings; sheltered market. The
24 Council shall conduct regular meetings to carry out its

1 responsibilities under this Act. At each of the regularly
2 scheduled meetings, time shall be allocated for the Council to
3 receive, review and discuss any evidence regarding past or
4 present racial, ethnic or gender based discrimination which
5 directly impacts State contracting with businesses owned by
6 minorities, women, veterans, and persons with disabilities. If
7 after reviewing such evidence the Council finds that there is
8 or has been such discrimination against a specific group, race
9 or sex, the Council shall establish sheltered markets or
10 adjust existing sheltered markets tailored to address the
11 Council's specific findings.

12 "Sheltered market" shall mean a procurement procedure
13 whereby certain contracts are selected and specifically set
14 aside for businesses owned by minorities, women, veterans, and
15 persons with disabilities on a competitive bid or negotiated
16 basis.

17 As part of the annual report which the Council must file
18 pursuant to paragraph (e) of subsection (2) of Section 5, the
19 Council shall report on any findings made pursuant to this
20 Section.

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

22 (30 ILCS 575/8f)

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

24 Sec. 8f. Annual report. The Council shall file no later
25 than March 1 of each year, an annual report that shall detail

1 the level of achievement toward the goals specified in this
2 Act over the 3 most recent fiscal years. The annual report
3 shall include, but need not be limited to the following:

4 (1) a summary detailing expenditures subject to the
5 goals, the actual goals specified, and the goals attained
6 by each State agency and public institution of higher
7 education;

8 (2) a summary of the number of contracts awarded and
9 the average contract amount by each State agency and
10 public institution of higher education;

11 (3) an analysis of the level of overall goal
12 achievement concerning purchases from minority-owned
13 businesses, women-owned businesses, veteran-owned
14 businesses, and businesses owned by persons with
15 disabilities;

16 (4) an analysis of the number of businesses owned by
17 minorities, women, veterans, and persons with disabilities
18 that are certified under the program as well as the number
19 of those businesses that received State procurement
20 contracts; and

21 (5) a summary of the number of contracts awarded to
22 businesses with annual gross sales of less than
23 \$1,000,000; of \$1,000,000 or more, but less than
24 \$5,000,000; of \$5,000,000 or more, but less than
25 \$10,000,000; and of \$10,000,000 or more.

26 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

1 (30 ILCS 575/8g)

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

3 Sec. 8g. Business Enterprise Program Council reports.

4 (a) The Department of Central Management Services shall
5 provide a report to the Council identifying all State agency
6 non-construction solicitations that exceed \$20,000,000 and
7 that have less than a 20% established goal prior to
8 publication.

9 (b) The Department of Central Management Services shall
10 provide a report to the Council identifying all State agency
11 non-construction awards that exceed \$20,000,000. The report
12 shall contain the following: (i) the name of the awardee; (ii)
13 the total bid amount; (iii) the established Business
14 Enterprise Program goal; (iv) the dollar amount and percentage
15 of participation by businesses owned by minorities, women,
16 veterans, and persons with disabilities; and (v) the names of
17 the certified firms identified in the utilization plan.

18 (Source: P.A. 100-391, eff. 8-25-17; 100-863, eff. 8-14-18.)

19 (30 ILCS 575/8h)

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

21 Sec. 8h. Encouragement for telecom and communications
22 entities to submit supplier diversity reports.

23 (1) The following entities that do business in Illinois or
24 serve Illinois customers shall be subject to this Section:

1 (i) all local exchange telecommunications carriers
2 with at least 35,000 subscriber access lines;

3 (ii) cable and video providers, as defined in Section
4 21-201 of the Public Utilities Act;

5 (iii) interconnected VoIP providers, as defined in
6 Section 13-235 of the Public Utilities Act;

7 (iv) wireless service providers;

8 (v) broadband internet access services providers; and

9 (vi) any other entity that provides messaging, voice,
10 or video services via the Internet or a social media
11 platform.

12 (2) Each entity subject to this Section may submit to the
13 Illinois Commerce Commission and the Business Enterprise
14 Council an annual report by April 15, 2018, and every April 15
15 thereafter, which provides, for the previous calendar year,
16 information and data on diversity goals, and progress toward
17 achieving those goals, by certified businesses owned by
18 minorities, women, veterans, and persons with disabilities,
19 ~~and service disabled veterans, provided that if the entity~~
20 ~~does not track such information and data for businesses owned~~
21 ~~by service disabled veterans, the entity may provide~~
22 ~~information and data for businesses owned by veterans.~~

23 The diversity report shall include the following:

24 (i) Overall annual spending on all such certified
25 businesses.

26 (ii) A narrative description of the entity's supplier

1 diversity goals and plans for meeting those goals.

2 (iii) The entity's best estimate of its annual
3 spending in professional services and spending with
4 certified businesses owned by minorities, women, veterans,
5 and persons with disabilities, ~~and service disabled~~
6 ~~veterans (or veterans, if the reporting entity does not~~
7 ~~track spending with service disabled veterans)~~, including,
8 but not limited to, the following professional services
9 categories: accounting; architecture and engineering;
10 consulting; information technology; insurance; financial,
11 legal, and marketing services; and other professional
12 services. The diversity report shall also include the
13 entity's overall annual spending in the listed
14 professional service categories. For the diversity reports
15 due on April 15, 2018 and April 15, 2019, the information
16 on annual spending with certified businesses for
17 professional services required by this Section may be
18 provided for all professional services on an aggregated
19 basis.

20 (iv) Beginning with the diversity report due on April
21 15, 2020, the total number and percentage of women,
22 veterans, and minorities that provided services for each
23 construction project in the State.

24 An entity subject to this Section which is part of an
25 affiliated group of entities may provide information for the
26 affiliated group as a whole.

1 (3) Any entity that is subject to this Section that does
2 not submit a report shall be reported by the Business
3 Enterprise Council to each chief procurement officer. Upon
4 receiving a report from the Business Enterprise Council, the
5 chief procurement officer may prohibit any entities that do
6 not submit a report from bidding on State contracts for a
7 period of one year beginning the first day of the following
8 fiscal year and post on its respective bulletin the names of
9 all entities that fail to comply with the provisions of this
10 Section.

11 (4) A vendor may appeal any of the actions taken pursuant
12 to this Section in the same manner as a vendor denied
13 certification, by following the appeal procedures in the
14 administrative rules created pursuant to this Act.

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

16 Section 110. The Illinois Income Tax Act is amended by
17 changing Section 220 as follows:

18 (35 ILCS 5/220)

19 Sec. 220. Angel investment credit.

20 (a) As used in this Section:

21 "Applicant" means a corporation, partnership, limited
22 liability company, or a natural person that makes an
23 investment in a qualified new business venture. The term
24 "applicant" does not include (i) a corporation, partnership,

1 limited liability company, or a natural person who has a
2 direct or indirect ownership interest of at least 51% in the
3 profits, capital, or value of the qualified new business
4 venture receiving the investment or (ii) a related member.

5 "Claimant" means an applicant certified by the Department
6 who files a claim for a credit under this Section.

7 "Department" means the Department of Commerce and Economic
8 Opportunity.

9 "Investment" means money (or its equivalent) given to a
10 qualified new business venture, at a risk of loss, in
11 consideration for an equity interest of the qualified new
12 business venture. The Department may adopt rules to permit
13 certain forms of contingent equity investments to be
14 considered eligible for a tax credit under this Section.

15 "Qualified new business venture" means a business that is
16 registered with the Department under this Section.

17 "Related member" means a person that, with respect to the
18 applicant, is any one of the following:

19 (1) An individual, if the individual and the members
20 of the individual's family (as defined in Section 318 of
21 the Internal Revenue Code) own directly, indirectly,
22 beneficially, or constructively, in the aggregate, at
23 least 50% of the value of the outstanding profits,
24 capital, stock, or other ownership interest in the
25 qualified new business venture that is the recipient of
26 the applicant's investment.

1 (2) A partnership, estate, or trust and any partner or
2 beneficiary, if the partnership, estate, or trust and its
3 partners or beneficiaries own directly, indirectly,
4 beneficially, or constructively, in the aggregate, at
5 least 50% of the profits, capital, stock, or other
6 ownership interest in the qualified new business venture
7 that is the recipient of the applicant's investment.

8 (3) A corporation, and any party related to the
9 corporation in a manner that would require an attribution
10 of stock from the corporation under the attribution rules
11 of Section 318 of the Internal Revenue Code, if the
12 applicant and any other related member own, in the
13 aggregate, directly, indirectly, beneficially, or
14 constructively, at least 50% of the value of the
15 outstanding stock of the qualified new business venture
16 that is the recipient of the applicant's investment.

17 (4) A corporation and any party related to that
18 corporation in a manner that would require an attribution
19 of stock from the corporation to the party or from the
20 party to the corporation under the attribution rules of
21 Section 318 of the Internal Revenue Code, if the
22 corporation and all such related parties own, in the
23 aggregate, at least 50% of the profits, capital, stock, or
24 other ownership interest in the qualified new business
25 venture that is the recipient of the applicant's
26 investment.

1 (5) A person to or from whom there is attribution of
2 ownership of stock in the qualified new business venture
3 that is the recipient of the applicant's investment in
4 accordance with Section 1563(e) of the Internal Revenue
5 Code, except that for purposes of determining whether a
6 person is a related member under this paragraph, "20%"
7 shall be substituted for "5%" whenever "5%" appears in
8 Section 1563(e) of the Internal Revenue Code.

9 (b) For taxable years beginning after December 31, 2010,
10 and ending on or before December 31, 2021, subject to the
11 limitations provided in this Section, a claimant may claim, as
12 a credit against the tax imposed under subsections (a) and (b)
13 of Section 201 of this Act, an amount equal to 25% of the
14 claimant's investment made directly in a qualified new
15 business venture. In order for an investment in a qualified
16 new business venture to be eligible for tax credits, the
17 business must have applied for and received certification
18 under subsection (e) for the taxable year in which the
19 investment was made prior to the date on which the investment
20 was made. The credit under this Section may not exceed the
21 taxpayer's Illinois income tax liability for the taxable year.
22 If the amount of the credit exceeds the tax liability for the
23 year, the excess may be carried forward and applied to the tax
24 liability of the 5 taxable years following the excess credit
25 year. The credit shall be applied to the earliest year for
26 which there is a tax liability. If there are credits from more

1 than one tax year that are available to offset a liability, the
2 earlier credit shall be applied first. In the case of a
3 partnership or Subchapter S Corporation, the credit is allowed
4 to the partners or shareholders in accordance with the
5 determination of income and distributive share of income under
6 Sections 702 and 704 and Subchapter S of the Internal Revenue
7 Code.

8 (c) The minimum amount an applicant must invest in any
9 single qualified new business venture in order to be eligible
10 for a credit under this Section is \$10,000. The maximum amount
11 of an applicant's total investment made in any single
12 qualified new business venture that may be used as the basis
13 for a credit under this Section is \$2,000,000.

14 (d) The Department shall implement a program to certify an
15 applicant for an angel investment credit. Upon satisfactory
16 review, the Department shall issue a tax credit certificate
17 stating the amount of the tax credit to which the applicant is
18 entitled. The Department shall annually certify that: (i) each
19 qualified new business venture that receives an angel
20 investment under this Section has maintained a minimum
21 employment threshold, as defined by rule, in the State (and
22 continues to maintain a minimum employment threshold in the
23 State for a period of no less than 3 years from the issue date
24 of the last tax credit certificate issued by the Department
25 with respect to such business pursuant to this Section); and
26 (ii) the claimant's investment has been made and remains,

1 except in the event of a qualifying liquidity event, in the
2 qualified new business venture for no less than 3 years.

3 If an investment for which a claimant is allowed a credit
4 under subsection (b) is held by the claimant for less than 3
5 years, other than as a result of a permitted sale of the
6 investment to person who is not a related member, the claimant
7 shall pay to the Department of Revenue, in the manner
8 prescribed by the Department of Revenue, the aggregate amount
9 of the disqualified credits that the claimant received related
10 to the subject investment.

11 If the Department determines that a qualified new business
12 venture failed to maintain a minimum employment threshold in
13 the State through the date which is 3 years from the issue date
14 of the last tax credit certificate issued by the Department
15 with respect to the subject business pursuant to this Section,
16 the claimant or claimants shall pay to the Department of
17 Revenue, in the manner prescribed by the Department of
18 Revenue, the aggregate amount of the disqualified credits that
19 claimant or claimants received related to investments in that
20 business.

21 (e) The Department shall implement a program to register
22 qualified new business ventures for purposes of this Section.
23 A business desiring registration under this Section shall be
24 required to submit a full and complete application to the
25 Department. A submitted application shall be effective only
26 for the taxable year in which it is submitted, and a business

1 desiring registration under this Section shall be required to
2 submit a separate application in and for each taxable year for
3 which the business desires registration. Further, if at any
4 time prior to the acceptance of an application for
5 registration under this Section by the Department one or more
6 events occurs which makes the information provided in that
7 application materially false or incomplete (in whole or in
8 part), the business shall promptly notify the Department of
9 the same. Any failure of a business to promptly provide the
10 foregoing information to the Department may, at the discretion
11 of the Department, result in a revocation of a previously
12 approved application for that business, or disqualification of
13 the business from future registration under this Section, or
14 both. The Department may register the business only if all of
15 the following conditions are satisfied:

16 (1) it has its principal place of business in this
17 State;

18 (2) at least 51% of the employees employed by the
19 business are employed in this State;

20 (3) the business has the potential for increasing jobs
21 in this State, increasing capital investment in this
22 State, or both, as determined by the Department, and
23 either of the following apply:

24 (A) it is principally engaged in innovation in any
25 of the following: manufacturing; biotechnology;
26 nanotechnology; communications; agricultural

1 sciences; clean energy creation or storage technology;
2 processing or assembling products, including medical
3 devices, pharmaceuticals, computer software, computer
4 hardware, semiconductors, other innovative technology
5 products, or other products that are produced using
6 manufacturing methods that are enabled by applying
7 proprietary technology; or providing services that are
8 enabled by applying proprietary technology; or

9 (B) it is undertaking pre-commercialization
10 activity related to proprietary technology that
11 includes conducting research, developing a new product
12 or business process, or developing a service that is
13 principally reliant on applying proprietary
14 technology;

15 (4) it is not principally engaged in real estate
16 development, insurance, banking, lending, lobbying,
17 political consulting, professional services provided by
18 attorneys, accountants, business consultants, physicians,
19 or health care consultants, wholesale or retail trade,
20 leisure, hospitality, transportation, or construction,
21 except construction of power production plants that derive
22 energy from a renewable energy resource, as defined in
23 Section 1 of the Illinois Power Agency Act;

24 (5) at the time it is first certified:

25 (A) it has fewer than 100 employees;

26 (B) it has been in operation in Illinois for not

1 more than 10 consecutive years prior to the year of
2 certification; and

3 (C) it has received not more than \$10,000,000 in
4 aggregate investments;

5 (5.1) it agrees to maintain a minimum employment
6 threshold in the State of Illinois prior to the date which
7 is 3 years from the issue date of the last tax credit
8 certificate issued by the Department with respect to that
9 business pursuant to this Section;

10 (6) (blank); and

11 (7) it has received not more than \$4,000,000 in
12 investments that qualified for tax credits under this
13 Section.

14 (f) The Department, in consultation with the Department of
15 Revenue, shall adopt rules to administer this Section. The
16 aggregate amount of the tax credits that may be claimed under
17 this Section for investments made in qualified new business
18 ventures shall be limited at \$10,000,000 per calendar year, of
19 which \$500,000 shall be reserved for investments made in
20 qualified new business ventures which are minority-owned
21 businesses, women-owned businesses, veteran-owned businesses,
22 or businesses owned by a person with a disability (as those
23 terms are used and defined in the Business Enterprise for
24 Minorities, Women, Veterans, and Persons with Disabilities
25 Act), and an additional \$500,000 shall be reserved for
26 investments made in qualified new business ventures with their

1 principal place of business in counties with a population of
2 not more than 250,000. The foregoing annual allowable amounts
3 shall be allocated by the Department, on a per calendar
4 quarter basis and prior to the commencement of each calendar
5 year, in such proportion as determined by the Department,
6 provided that: (i) the amount initially allocated by the
7 Department for any one calendar quarter shall not exceed 35%
8 of the total allowable amount; (ii) any portion of the
9 allocated allowable amount remaining unused as of the end of
10 any of the first 3 calendar quarters of a given calendar year
11 shall be rolled into, and added to, the total allocated amount
12 for the next available calendar quarter; and (iii) the
13 reservation of tax credits for investments in minority-owned
14 businesses, women-owned businesses, veteran-owned businesses,
15 businesses owned by a person with a disability, and in
16 businesses in counties with a population of not more than
17 250,000 is limited to the first 3 calendar quarters of a given
18 calendar year, after which they may be claimed by investors in
19 any qualified new business venture.

20 (g) A claimant may not sell or otherwise transfer a credit
21 awarded under this Section to another person.

22 (h) On or before March 1 of each year, the Department shall
23 report to the Governor and to the General Assembly on the tax
24 credit certificates awarded under this Section for the prior
25 calendar year.

26 (1) This report must include, for each tax credit

1 certificate awarded:

2 (A) the name of the claimant and the amount of
3 credit awarded or allocated to that claimant;

4 (B) the name and address (including the county) of
5 the qualified new business venture that received the
6 investment giving rise to the credit, the North
7 American Industry Classification System (NAICS) code
8 applicable to that qualified new business venture, and
9 the number of employees of the qualified new business
10 venture; and

11 (C) the date of approval by the Department of each
12 claimant's tax credit certificate.

13 (2) The report must also include:

14 (A) the total number of applicants and the total
15 number of claimants, including the amount of each tax
16 credit certificate awarded to a claimant under this
17 Section in the prior calendar year;

18 (B) the total number of applications from
19 businesses seeking registration under this Section,
20 the total number of new qualified business ventures
21 registered by the Department, and the aggregate amount
22 of investment upon which tax credit certificates were
23 issued in the prior calendar year; and

24 (C) the total amount of tax credit certificates
25 sought by applicants, the amount of each tax credit
26 certificate issued to a claimant, the aggregate amount

1 of all tax credit certificates issued in the prior
2 calendar year and the aggregate amount of tax credit
3 certificates issued as authorized under this Section
4 for all calendar years.

5 (i) For each business seeking registration under this
6 Section after December 31, 2016, the Department shall require
7 the business to include in its application the North American
8 Industry Classification System (NAICS) code applicable to the
9 business and the number of employees of the business at the
10 time of application. Each business registered by the
11 Department as a qualified new business venture that receives
12 an investment giving rise to the issuance of a tax credit
13 certificate pursuant to this Section shall, for each of the 3
14 years following the issue date of the last tax credit
15 certificate issued by the Department with respect to such
16 business pursuant to this Section, report to the Department
17 the following:

18 (1) the number of employees and the location at which
19 those employees are employed, both as of the end of each
20 year;

21 (2) the amount of additional new capital investment
22 raised as of the end of each year, if any; and

23 (3) the terms of any liquidity event occurring during
24 such year; for the purposes of this Section, a "liquidity
25 event" means any event that would be considered an exit
26 for an illiquid investment, including any event that

1 allows the equity holders of the business (or any material
2 portion thereof) to cash out some or all of their
3 respective equity interests.

4 (Source: P.A. 100-328, eff. 1-1-18; 100-686, eff. 1-1-19;
5 100-863, eff. 8-14-18; 101-81, eff. 7-12-19.)

6 Section 115. The Film Production Services Tax Credit Act
7 of 2008 is amended by changing Sections 30 and 45 as follows:

8 (35 ILCS 16/30)

9 Sec. 30. Review of application for accredited production
10 certificate.

11 (a) In determining whether to issue an accredited
12 production certificate, the Department must determine that a
13 preponderance of the following conditions exist:

14 (1) The applicant's production intends to make the
15 expenditure in the State required for certification.

16 (2) The applicant's production is economically sound
17 and will benefit the people of the State of Illinois by
18 increasing opportunities for employment and strengthen the
19 economy of Illinois.

20 (3) The applicant has filed a diversity plan with the
21 Department outlining specific goals (i) for hiring
22 minority persons and women, as defined in the Business
23 Enterprise for Minorities, Women, Veterans, and Persons
24 with Disabilities Act, and (ii) for using vendors

1 receiving certification under the Business Enterprise for
2 Minorities, Women, Veterans, and Persons with Disabilities
3 Act; the Department has approved the plan as meeting the
4 requirements established by the Department; and the
5 Department has verified that the applicant has met or made
6 good-faith efforts in achieving those goals. The
7 Department must adopt any rules that are necessary to
8 ensure compliance with the provisions of this item (3) and
9 that are necessary to require that the applicant's plan
10 reflects the diversity of this State.

11 (4) The applicant's production application indicates
12 whether the applicant intends to participate in training,
13 education, and recruitment programs that are organized in
14 cooperation with Illinois colleges and universities, labor
15 organizations, and the motion picture industry and are
16 designed to promote and encourage the training and hiring
17 of Illinois residents who represent the diversity of the
18 Illinois population.

19 (5) That, if not for the credit, the applicant's
20 production would not occur in Illinois, which may be
21 demonstrated by any means including, but not limited to,
22 evidence that the applicant has multi-state or
23 international location options and could reasonably and
24 efficiently locate outside of the State, or demonstration
25 that at least one other state or nation is being
26 considered for the production, or evidence that the

1 receipt of the credit is a major factor in the applicant's
2 decision and that without the credit the applicant likely
3 would not create or retain jobs in Illinois, or
4 demonstration that receiving the credit is essential to
5 the applicant's decision to create or retain new jobs in
6 the State.

7 (6) Awarding the credit will result in an overall
8 positive impact to the State, as determined by the
9 Department using the best available data.

10 (b) If any of the provisions in this Section conflict with
11 any existing collective bargaining agreements, the terms and
12 conditions of those collective bargaining agreements shall
13 control.

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

15 (35 ILCS 16/45)

16 Sec. 45. Evaluation of tax credit program; reports to the
17 General Assembly.

18 (a) The Department shall evaluate the tax credit program.
19 The evaluation must include an assessment of the effectiveness
20 of the program in creating and retaining new jobs in Illinois
21 and of the revenue impact of the program, and may include a
22 review of the practices and experiences of other states or
23 nations with similar programs. Upon completion of this
24 evaluation, the Department shall determine the overall success
25 of the program, and may make a recommendation to extend,

1 modify, or not extend the program based on this evaluation.

2 (b) At the end of each fiscal quarter, the Department must
3 submit to the General Assembly a report that includes, without
4 limitation, the following information:

5 (1) the economic impact of the tax credit program,
6 including the number of jobs created and retained,
7 including whether the job positions are entry level,
8 management, talent-related, vendor-related, or
9 production-related;

10 (2) the amount of film production spending brought to
11 Illinois, including the amount of spending and type of
12 Illinois vendors hired in connection with an accredited
13 production; and

14 (3) an overall picture of whether the human
15 infrastructure of the motion picture industry in Illinois
16 reflects the geographical, racial and ethnic, gender, and
17 income-level diversity of the State of Illinois.

18 (c) At the end of each fiscal year, the Department must
19 submit to the General Assembly a report that includes the
20 following information:

21 (1) an identification of each vendor that provided
22 goods or services that were included in an accredited
23 production's Illinois production spending, provided that
24 the accredited production's Illinois production spending
25 attributable to that vendor exceeds, in the aggregate,
26 \$10,000 or 10% of the accredited production's Illinois

1 production spending, whichever is less;

2 (2) the amount paid to each identified vendor by the
3 accredited production;

4 (3) for each identified vendor, a statement as to
5 whether the vendor is a minority-owned business or a
6 women-owned business, as defined under Section 2 of the
7 Business Enterprise for Minorities, Women, Veterans, and
8 Persons with Disabilities Act, based on the best efforts
9 of an accredited production; and

10 (4) a description of any steps taken by the Department
11 to encourage accredited productions to use vendors who are
12 a minority-owned business or a women-owned business.

13 (Source: P.A. 100-391, eff. 8-25-17; 100-603, eff. 7-13-18;
14 101-81, eff. 7-12-19.)

15 Section 120. The Live Theater Production Tax Credit Act is
16 amended by changing Sections 10-30 and 10-50 as follows:

17 (35 ILCS 17/10-30)

18 Sec. 10-30. Review of application for accredited theater
19 production certificate.

20 (a) The Department shall issue an accredited theater
21 production certificate to an applicant if it finds that by a
22 preponderance the following conditions exist:

23 (1) the applicant intends to make the expenditure in
24 the State required for certification of the accredited

1 theater production;

2 (2) the applicant's accredited theater production is
3 economically sound and will benefit the people of the
4 State of Illinois by increasing opportunities for
5 employment and will strengthen the economy of Illinois;

6 (3) the following requirements related to the
7 implementation of a diversity plan have been met: (i) the
8 applicant has filed with the Department a diversity plan
9 outlining specific goals for hiring Illinois labor
10 expenditure eligible minority persons and women, as
11 defined in the Business Enterprise for Minorities, Women,
12 Veterans, and Persons with Disabilities Act, and for using
13 vendors receiving certification under the Business
14 Enterprise for Minorities, Women, Veterans, and Persons
15 with Disabilities Act; (ii) the Department has approved
16 the plan as meeting the requirements established by the
17 Department and verified that the applicant has met or made
18 good faith efforts in achieving those goals; and (iii) the
19 Department has adopted any rules that are necessary to
20 ensure compliance with the provisions set forth in this
21 paragraph and necessary to require that the applicant's
22 plan reflects the diversity of the population of this
23 State;

24 (4) the applicant's accredited theater production
25 application indicates whether the applicant intends to
26 participate in training, education, and recruitment

1 programs that are organized in cooperation with Illinois
2 colleges and universities, labor organizations, and the
3 holders of accredited theater production certificates and
4 are designed to promote and encourage the training and
5 hiring of Illinois residents who represent the diversity
6 of Illinois;

7 (5) if not for the tax credit award, the applicant's
8 accredited theater production would not occur in Illinois,
9 which may be demonstrated by any means, including, but not
10 limited to, evidence that: (i) the applicant, presenter,
11 owner, or licensee of the production rights has other
12 state or international location options at which to
13 present the production and could reasonably and
14 efficiently locate outside of the State, (ii) at least one
15 other state or nation could be considered for the
16 production, (iii) the receipt of the tax award credit is a
17 major factor in the decision of the applicant, presenter,
18 production owner or licensee as to where the production
19 will be presented and that without the tax credit award
20 the applicant likely would not create or retain jobs in
21 Illinois, or (iv) receipt of the tax credit award is
22 essential to the applicant's decision to create or retain
23 new jobs in the State; and

24 (6) the tax credit award will result in an overall
25 positive impact to the State, as determined by the
26 Department using the best available data.

1 (b) If any of the provisions in this Section conflict with
2 any existing collective bargaining agreements, the terms and
3 conditions of those collective bargaining agreements shall
4 control.

5 (c) The Department shall act expeditiously regarding
6 approval of applications for accredited theater production
7 certificates so as to accommodate the pre-production work,
8 booking, commencement of ticket sales, determination of
9 performance dates, load in, and other matters relating to the
10 live theater productions for which approval is sought.

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

12 (35 ILCS 17/10-50)

13 Sec. 10-50. Live theater tax credit award program
14 evaluation and reports.

15 (a) The Department's live theater tax credit award
16 evaluation must include:

17 (i) an assessment of the effectiveness of the program
18 in creating and retaining new jobs in Illinois;

19 (ii) an assessment of the revenue impact of the
20 program;

21 (iii) in the discretion of the Department, a review of
22 the practices and experiences of other states or nations
23 with similar programs; and

24 (iv) an assessment of the overall success of the
25 program. The Department may make a recommendation to

1 extend, modify, or not extend the program based on the
2 evaluation.

3 (b) At the end of each fiscal quarter, the Department
4 shall submit to the General Assembly a report that includes,
5 without limitation:

6 (i) an assessment of the economic impact of the
7 program, including the number of jobs created and
8 retained, and whether the job positions are entry level,
9 management, vendor, or production related;

10 (ii) the amount of accredited theater production
11 spending brought to Illinois, including the amount of
12 spending and type of Illinois vendors hired in connection
13 with an accredited theater production; and

14 (iii) a determination of whether those receiving
15 qualifying Illinois labor expenditure salaries or wages
16 reflect the geographical, racial and ethnic, gender, and
17 income level diversity of the State of Illinois.

18 (c) At the end of each fiscal year, the Department shall
19 submit to the General Assembly a report that includes, without
20 limitation:

21 (i) the identification of each vendor that provided
22 goods or services that were included in an accredited
23 theater production's Illinois production spending;

24 (ii) a statement of the amount paid to each identified
25 vendor by the accredited theater production and whether
26 the vendor is a minority-owned or women-owned business as

1 defined in Section 2 of the Business Enterprise for
2 Minorities, Women, Veterans, and Persons with Disabilities
3 Act; and

4 (iii) a description of the steps taken by the
5 Department to encourage accredited theater productions to
6 use vendors who are minority-owned or women-owned
7 businesses.

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

9 Section 125. The Illinois Pension Code is amended by
10 changing Sections 1-109.1, 1-113.21, and 1-113.22 as follows:

11 (40 ILCS 5/1-109.1) (from Ch. 108 1/2, par. 1-109.1)

12 Sec. 1-109.1. Allocation and delegation of fiduciary
13 duties.

14 (1) Subject to the provisions of Section 22A-113 of this
15 Code and subsections (2) and (3) of this Section, the board of
16 trustees of a retirement system or pension fund established
17 under this Code may:

18 (a) Appoint one or more investment managers as
19 fiduciaries to manage (including the power to acquire and
20 dispose of) any assets of the retirement system or pension
21 fund; and

22 (b) Allocate duties among themselves and designate
23 others as fiduciaries to carry out specific fiduciary
24 activities other than the management of the assets of the

1 retirement system or pension fund.

2 (2) The board of trustees of a pension fund established
3 under Article 5, 6, 8, 9, 10, 11, 12 or 17 of this Code may not
4 transfer its investment authority, nor transfer the assets of
5 the fund to any other person or entity for the purpose of
6 consolidating or merging its assets and management with any
7 other pension fund or public investment authority, unless the
8 board resolution authorizing such transfer is submitted for
9 approval to the contributors and pensioners of the fund at
10 elections held not less than 30 days after the adoption of such
11 resolution by the board, and such resolution is approved by a
12 majority of the votes cast on the question in both the
13 contributors election and the pensioners election. The
14 election procedures and qualifications governing the election
15 of trustees shall govern the submission of resolutions for
16 approval under this paragraph, insofar as they may be made
17 applicable.

18 (3) Pursuant to subsections (h) and (i) of Section 6 of
19 Article VII of the Illinois Constitution, the investment
20 authority of boards of trustees of retirement systems and
21 pension funds established under this Code is declared to be a
22 subject of exclusive State jurisdiction, and the concurrent
23 exercise by a home rule unit of any power affecting such
24 investment authority is hereby specifically denied and
25 preempted.

26 (4) For the purposes of this Code, "emerging investment

1 manager" means a qualified investment adviser that manages an
2 investment portfolio of at least \$10,000,000 but less than
3 \$10,000,000,000 and is a "minority-owned business",
4 "women-owned business", "veteran-owned business", or "business
5 owned by a person with a disability" as those terms are defined
6 in the Business Enterprise for Minorities, Women, Veterans,
7 and Persons with Disabilities Act.

8 It is hereby declared to be the public policy of the State
9 of Illinois to encourage the trustees of public employee
10 retirement systems, pension funds, and investment boards to
11 use emerging investment managers in managing their system's
12 assets, encompassing all asset classes, and increase the
13 racial, ethnic, and gender diversity of its fiduciaries, to
14 the greatest extent feasible within the bounds of financial
15 and fiduciary prudence, and to take affirmative steps to
16 remove any barriers to the full participation in investment
17 opportunities afforded by those retirement systems, pension
18 funds, and investment boards.

19 A ~~On or before January 1, 2010,~~ a retirement system,
20 pension fund, or investment board subject to this Code, except
21 those whose investments are restricted by Section 1-113.2 of
22 this Code, shall adopt a policy that sets forth goals for
23 utilization of emerging investment managers. This policy shall
24 include quantifiable goals for the management of assets in
25 specific asset classes by emerging investment managers. The
26 retirement system, pension fund, or investment board shall

1 establish ~~4~~ ³ separate goals for: (i) emerging investment
2 managers that are minority-owned businesses; (ii) emerging
3 investment managers that are women-owned businesses; ~~and~~ (iii)
4 emerging investment managers that are veteran-owned
5 businesses; and (iv) emerging investment managers that are
6 businesses owned by a person with a disability. The goals
7 established shall be based on the percentage of total dollar
8 amount of investment service contracts let to minority-owned
9 businesses, women-owned businesses, veteran-owned businesses,
10 and businesses owned by a person with a disability, as those
11 terms are defined in the Business Enterprise for Minorities,
12 Women, Veterans, and Persons with Disabilities Act. The
13 retirement system, pension fund, or investment board shall
14 annually review the goals established under this subsection.

15 If in any case an emerging investment manager meets the
16 criteria established by a board for a specific search and
17 meets the criteria established by a consultant for that
18 search, then that emerging investment manager shall receive an
19 invitation by the board of trustees, or an investment
20 committee of the board of trustees, to present his or her firm
21 for final consideration of a contract. In the case where
22 multiple emerging investment managers meet the criteria of
23 this Section, the staff may choose the most qualified firm or
24 firms to present to the board.

25 The use of an emerging investment manager does not
26 constitute a transfer of investment authority for the purposes

1 of subsection (2) of this Section.

2 (5) Each retirement system, pension fund, or investment
3 board subject to this Code, except those whose investments are
4 restricted by Section 1-113.2 of this Code, shall establish a
5 policy that sets forth goals for increasing the racial,
6 ethnic, and gender diversity of its fiduciaries, including its
7 consultants and senior staff. Each retirement system, pension
8 fund, or investment board shall make its best efforts to
9 ensure that the racial and ethnic makeup of its senior
10 administrative staff represents the racial and ethnic makeup
11 of its membership. Each system, fund, and investment board
12 shall annually review the goals established under this
13 subsection.

14 (6) ~~A On or before January 1, 2010,~~ a retirement system,
15 pension fund, or investment board subject to this Code, except
16 those whose investments are restricted by Section 1-113.2 of
17 this Code, shall adopt a policy that sets forth goals for
18 utilization of businesses owned by minorities, women,
19 veterans, and persons with disabilities for all contracts and
20 services. The goals established shall be based on the
21 percentage of total dollar amount of all contracts let to
22 minority-owned businesses, women-owned businesses,
23 veteran-owned businesses, and businesses owned by a person
24 with a disability, as those terms are defined in the Business
25 Enterprise for Minorities, Women, Veterans, and Persons with
26 Disabilities Act. The retirement system, pension fund, or

1 investment board shall annually review the goals established
2 under this subsection.

3 (7) ~~A On or before January 1, 2010,~~ a retirement system,
4 pension fund, or investment board subject to this Code, except
5 those whose investments are restricted by Section 1-113.2 of
6 this Code, shall adopt a policy that sets forth goals for
7 increasing the utilization of minority broker-dealers. For the
8 purposes of this Code, "minority broker-dealer" means a
9 qualified broker-dealer who meets the definition of
10 "minority-owned business", "women-owned business",
11 "veteran-owned businesses", or "business owned by a person
12 with a disability", as those terms are defined in the Business
13 Enterprise for Minorities, Women, Veterans, and Persons with
14 Disabilities Act. The retirement system, pension fund, or
15 investment board shall annually review the goals established
16 under this Section.

17 (8) Each retirement system, pension fund, and investment
18 board subject to this Code, except those whose investments are
19 restricted by Section 1-113.2 of this Code, shall submit a
20 report to the Governor and the General Assembly by January 1 of
21 each year that includes the following: (i) the policy adopted
22 under subsection (4) of this Section, including the names and
23 addresses of the emerging investment managers used, percentage
24 of the assets under the investment control of emerging
25 investment managers for the 4 ~~3~~ separate goals, and the
26 actions it has undertaken to increase the use of emerging

1 investment managers, including encouraging other investment
2 managers to use emerging investment managers as subcontractors
3 when the opportunity arises; (ii) the policy adopted under
4 subsection (5) of this Section; (iii) the policy adopted under
5 subsection (6) of this Section; (iv) the policy adopted under
6 subsection (7) of this Section, including specific actions
7 undertaken to increase the use of minority broker-dealers; and
8 (v) the policy adopted under subsection (9) of this Section.

9 (9) ~~A~~ ~~On or before February 1, 2015,~~ a retirement system,
10 pension fund, or investment board subject to this Code, except
11 those whose investments are restricted by Section 1-113.2 of
12 this Code, shall adopt a policy that sets forth goals for
13 increasing the utilization of minority investment managers.
14 For the purposes of this Code, "minority investment manager"
15 means a qualified investment manager that manages an
16 investment portfolio and meets the definition of
17 "minority-owned business", "women-owned business",
18 "veteran-owned business", or "business owned by a person with
19 a disability", as those terms are defined in the Business
20 Enterprise for Minorities, Women, Veterans, and Persons with
21 Disabilities Act.

22 It is hereby declared to be the public policy of the State
23 of Illinois to encourage the trustees of public employee
24 retirement systems, pension funds, and investment boards to
25 use minority investment managers in managing their systems'
26 assets, encompassing all asset classes, and to increase the

1 racial, ethnic, and gender diversity of their fiduciaries, to
2 the greatest extent feasible within the bounds of financial
3 and fiduciary prudence, and to take affirmative steps to
4 remove any barriers to the full participation in investment
5 opportunities afforded by those retirement systems, pension
6 funds, and investment boards.

7 The retirement system, pension fund, or investment board
8 shall establish 4 ~~3~~ separate goals for: (i) minority
9 investment managers that are minority-owned businesses; (ii)
10 minority investment managers that are women-owned businesses;
11 ~~and~~ (iii) minority investment managers that are veteran-owned
12 businesses; and (iv) minority investment managers that are
13 businesses owned by a person with a disability. The retirement
14 system, pension fund, or investment board shall annually
15 review the goals established under this Section.

16 If in any case a minority investment manager meets the
17 criteria established by a board for a specific search and
18 meets the criteria established by a consultant for that
19 search, then that minority investment manager shall receive an
20 invitation by the board of trustees, or an investment
21 committee of the board of trustees, to present his or her firm
22 for final consideration of a contract. In the case where
23 multiple minority investment managers meet the criteria of
24 this Section, the staff may choose the most qualified firm or
25 firms to present to the board.

26 The use of a minority investment manager does not

1 constitute a transfer of investment authority for the purposes
2 of subsection (2) of this Section.

3 (10) ~~It Beginning January 1, 2016, it~~ shall be the
4 aspirational goal for a retirement system, pension fund, or
5 investment board subject to this Code to use emerging
6 investment managers for not less than 20% of the total funds
7 under management. Furthermore, it shall be the aspirational
8 goal that not less than 20% of investment advisors be
9 minorities, women, veterans, and persons with disabilities as
10 those terms are defined in the Business Enterprise for
11 Minorities, Women, Veterans, and Persons with Disabilities
12 Act. It shall be the aspirational goal to utilize businesses
13 owned by minorities, women, veterans, and persons with
14 disabilities for not less than 20% of contracts awarded for
15 "information technology services", "accounting services",
16 "insurance brokers", "architectural and engineering services",
17 and "legal services" as those terms are defined in the Act.

18 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17;
19 100-902, eff. 8-17-18.)

20 (40 ILCS 5/1-113.21)

21 Sec. 1-113.21. Contracts for services.

22 (a) ~~No Beginning January 1, 2015, no~~ contract, oral or
23 written, for investment services, consulting services, or
24 commitment to a private market fund shall be awarded by a
25 retirement system, pension fund, or investment board

1 established under this Code unless the investment advisor,
2 consultant, or private market fund first discloses:

3 (1) the number of its investment and senior staff and
4 the percentage of its investment and senior staff who are
5 (i) a minority person, (ii) a woman, and (iii) a person
6 with a disability; and

7 (2) the number of contracts, oral or written, for
8 investment services, consulting services, and professional
9 and artistic services that the investment advisor,
10 consultant, or private market fund has with (i) a
11 minority-owned business, (ii) a women-owned business, ~~or~~
12 (iii) a business owned by a person with a disability, or
13 (iv) a veteran-owned business; and

14 (3) the number of contracts, oral or written, for
15 investment services, consulting services, and professional
16 and artistic services the investment advisor, consultant,
17 or private market fund has with a business other than (i) a
18 minority-owned business, (ii) a women-owned business, ~~or~~
19 (iii) a business owned by a person with a disability, or
20 (iv) a veteran-owned business, if more than 50% of
21 services performed pursuant to the contract are performed
22 by (i) a minority person, (ii) a woman, ~~and~~ (iii) a person
23 with a disability, and (iv) a veteran.

24 (b) The disclosures required by this Section shall be
25 considered, within the bounds of financial and fiduciary
26 prudence, prior to the awarding of a contract, oral or

1 written, for investment services, consulting services, or
2 commitment to a private market fund.

3 (c) For the purposes of this Section, the terms "minority
4 person", "woman", "veteran", "person with a disability",
5 "minority-owned business", "women-owned business",
6 "veteran-owned business", and "business owned by a person with
7 a disability" have the same meaning as those terms have in the
8 Business Enterprise for Minorities, Women, Veterans, and
9 Persons with Disabilities Act.

10 (d) For purposes of this Section, the term "private market
11 fund" means any private equity fund, private equity fund of
12 funds, venture capital fund, hedge fund, hedge fund of funds,
13 real estate fund, or other investment vehicle that is not
14 publicly traded.

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

16 (40 ILCS 5/1-113.22)

17 Sec. 1-113.22. Required disclosures from consultants;
18 minority-owned businesses, women-owned businesses,
19 veteran-owned businesses, and businesses owned by persons with
20 a disability.

21 (a) No later than January 1, 2018 and each January 1
22 thereafter, each consultant retained by the board of a
23 retirement system, board of a pension fund, or investment
24 board shall disclose to that board of the retirement system,
25 board of the pension fund, or investment board:

1 (1) the total number of searches for investment
2 services made by the consultant in the prior calendar
3 year;

4 (2) the total number of searches for investment
5 services made by the consultant in the prior calendar year
6 that included (i) a minority-owned business, (ii) a
7 women-owned business, ~~or~~ (iii) a business owned by a
8 person with a disability, or (iv) a veteran-owned
9 business;

10 (3) the total number of searches for investment
11 services made by the consultant in the prior calendar year
12 in which the consultant recommended for selection (i) a
13 minority-owned business, (ii) a women-owned business, ~~or~~
14 (iii) a business owned by a person with a disability, or
15 (iv) a veteran-owned business;

16 (4) the total number of searches for investment
17 services made by the consultant in the prior calendar year
18 that resulted in the selection of (i) a minority-owned
19 business, (ii) a women-owned business, ~~or~~ (iii) a business
20 owned by a person with a disability, or (iv) a
21 veteran-owned business; and

22 (5) the total dollar amount of investment made in the
23 previous calendar year with (i) a minority-owned business,
24 (ii) a women-owned business, ~~or~~ (iii) a business owned by
25 a person with a disability, or (iv) a veteran-owned
26 business that was selected after a search for investment

1 services performed by the consultant.

2 (b) ~~No Beginning January 1, 2018, no~~ contract, oral or
3 written, for consulting services shall be awarded by a board
4 of a retirement system, a board of a pension fund, or an
5 investment board without first requiring the consultant to
6 make the disclosures required in subsection (a) of this
7 Section.

8 (c) The disclosures required by subsection (b) of this
9 Section shall be considered, within the bounds of financial
10 and fiduciary prudence, prior to the awarding of a contract,
11 oral or written, for consulting services.

12 (d) As used in this Section, the terms "minority person",
13 "woman", "veteran", "person with a disability",
14 "minority-owned business", "women-owned business",
15 "veteran-owned business", and "business owned by a person with
16 a disability" have the same meaning as those terms have in the
17 Business Enterprise for Minorities, Women, Veterans, and
18 Persons with Disabilities Act.

19 (Source: P.A. 100-542, eff. 11-8-17; 100-863, eff. 8-14-18.)

20 Section 130. The Counties Code is amended by changing
21 Section 5-1134 as follows:

22 (55 ILCS 5/5-1134)

23 Sec. 5-1134. Project labor agreements.

24 (a) Any sports, arts, or entertainment facilities that

1 receive revenue from a tax imposed under subsection (b) of
2 Section 5-1030 of this Code shall be considered to be public
3 works within the meaning of the Prevailing Wage Act. The
4 county authorities responsible for the construction,
5 renovation, modification, or alteration of the sports, arts,
6 or entertainment facilities shall enter into project labor
7 agreements with labor organizations as defined in the National
8 Labor Relations Act to assure that no labor dispute interrupts
9 or interferes with the construction, renovation, modification,
10 or alteration of the projects.

11 (b) The project labor agreements must include the
12 following:

13 (1) provisions establishing the minimum hourly wage
14 for each class of labor organization employees;

15 (2) provisions establishing the benefits and other
16 compensation for such class of labor organization; and

17 (3) provisions establishing that no strike or disputes
18 will be engaged in by the labor organization employees.

19 The county, taxing bodies, municipalities, and the labor
20 organizations shall have the authority to include other terms
21 and conditions as they deem necessary.

22 (c) The project labor agreement shall be filed with the
23 Director of the Illinois Department of Labor in accordance
24 with procedures established by the Department. At a minimum,
25 the project labor agreement must provide the names, addresses,
26 and occupations of the owner of the facilities and the

1 individuals representing the labor organization employees
2 participating in the project labor agreement. The agreement
3 must also specify the terms and conditions required in
4 subsection (b) of this Section.

5 (d) In any agreement for the construction or
6 rehabilitation of a facility using revenue generated under
7 subsection (b) of Section 5-1030 of this Code, in connection
8 with the prequalification of general contractors for
9 construction or rehabilitation of the facility, it shall be
10 required that a commitment will be submitted detailing how the
11 general contractor will expend 15% or more of the aggregate
12 dollar value of the project as a whole with one or more
13 minority-owned businesses, women-owned businesses,
14 veteran-owned businesses, or businesses owned by a person with
15 a disability, as these terms are defined in Section 2 of the
16 Business Enterprise for Minorities, Women, Veterans, and
17 Persons with Disabilities Act.

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

19 Section 135. The River Edge Redevelopment Zone Act is
20 amended by changing Section 10-5.3 as follows:

21 (65 ILCS 115/10-5.3)

22 Sec. 10-5.3. Certification of River Edge Redevelopment
23 Zones.

24 (a) Approval of designated River Edge Redevelopment Zones

1 shall be made by the Department by certification of the
2 designating ordinance. The Department shall promptly issue a
3 certificate for each zone upon its approval. The certificate
4 shall be signed by the Director of the Department, shall make
5 specific reference to the designating ordinance, which shall
6 be attached thereto, and shall be filed in the office of the
7 Secretary of State. A certified copy of the River Edge
8 Redevelopment Zone Certificate, or a duplicate original
9 thereof, shall be recorded in the office of the recorder of
10 deeds of the county in which the River Edge Redevelopment Zone
11 lies.

12 (b) A River Edge Redevelopment Zone shall be effective
13 upon its certification. The Department shall transmit a copy
14 of the certification to the Department of Revenue, and to the
15 designating municipality. Upon certification of a River Edge
16 Redevelopment Zone, the terms and provisions of the
17 designating ordinance shall be in effect, and may not be
18 amended or repealed except in accordance with Section 10-5.4.

19 (c) A River Edge Redevelopment Zone shall be in effect for
20 the period stated in the certificate, which shall in no event
21 exceed 30 calendar years. Zones shall terminate at midnight of
22 December 31 of the final calendar year of the certified term,
23 except as provided in Section 10-5.4.

24 (d) In calendar years 2006 and 2007, the Department may
25 certify one pilot River Edge Redevelopment Zone in the City of
26 East St. Louis, one pilot River Edge Redevelopment Zone in the

1 City of Rockford, and one pilot River Edge Redevelopment Zone
2 in the City of Aurora.

3 In calendar year 2009, the Department may certify one
4 pilot River Edge Redevelopment Zone in the City of Elgin.

5 On or after the effective date of this amendatory Act of
6 the 97th General Assembly, the Department may certify one
7 additional pilot River Edge Redevelopment Zone in the City of
8 Peoria.

9 Thereafter the Department may not certify any additional
10 River Edge Redevelopment Zones, but may amend and rescind
11 certifications of existing River Edge Redevelopment Zones in
12 accordance with Section 10-5.4, except that no River Edge
13 Redevelopment Zone may be extended on or after the effective
14 date of this amendatory Act of the 97th General Assembly. Each
15 River Edge Redevelopment Zone in existence on the effective
16 date of this amendatory Act of the 97th General Assembly shall
17 continue until its scheduled termination under this Act,
18 unless the Zone is decertified sooner. At the time of its term
19 expiration each River Edge Redevelopment Zone will become an
20 open enterprise zone, available for the previously designated
21 area or a different area to compete for designation as an
22 enterprise zone. No preference for designation as a Zone will
23 be given to the previously designated area.

24 (e) A municipality in which a River Edge Redevelopment
25 Zone has been certified must submit to the Department, within
26 60 days after the certification, a plan for encouraging the

1 participation by minority persons, women, persons with
2 disabilities, and veterans in the zone. The Department may
3 assist the municipality in developing and implementing the
4 plan. The terms "minority person", "woman", "veteran", and
5 "person with a disability" have the meanings set forth under
6 Section 2 of the Business Enterprise for Minorities, Women,
7 Veterans, and Persons with Disabilities Act. ~~"Veteran" means~~
8 ~~an Illinois resident who is a veteran as defined in subsection~~
9 ~~(h) of Section 1491 of Title 10 of the United States Code.~~

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

11 Section 140. The Metropolitan Pier and Exposition
12 Authority Act is amended by changing Sections 10.2 and 23.1 as
13 follows:

14 (70 ILCS 210/10.2)

15 Sec. 10.2. Bonding disclosure.

16 (a) Truth in borrowing disclosure. Within 60 business days
17 after the issuance of any bonds under this Act, the Authority
18 shall disclose the total principal and interest payments to be
19 paid on the bonds over the full stated term of the bonds. The
20 disclosure also shall include principal and interest payments
21 to be made by each fiscal year over the full stated term of the
22 bonds and total principal and interest payments to be made by
23 each fiscal year on all other outstanding bonds issued under
24 this Act over the full stated terms of those bonds. These

1 disclosures shall be calculated assuming bonds are not
2 redeemed or refunded prior to their stated maturities. Amounts
3 included in these disclosures as payment of interest on
4 variable rate bonds shall be computed at an interest rate
5 equal to the rate at which the variable rate bonds are first
6 set upon issuance, plus 2.5%, after taking into account any
7 credits permitted in the related indenture or other instrument
8 against the amount of such interest for each fiscal year.

9 (b) Bond sale expenses disclosure. Within 60 business days
10 after the issuance of any bonds under this Act, the Authority
11 shall disclose all costs of issuance on each sale of bonds
12 under this Act. The disclosure shall include, as applicable,
13 the respective percentages of participation and compensation
14 of each underwriter that is a member of the underwriting
15 syndicate, legal counsel, financial advisors, and other
16 professionals for the bond issue and an identification of all
17 costs of issuance paid to minority-owned businesses,
18 women-owned businesses, veteran-owned businesses, and
19 businesses owned by persons with disabilities. The terms
20 "minority-owned businesses", "women-owned businesses",
21 "veteran-owned businesses", and "business owned by a person
22 with a disability" have the meanings given to those terms in
23 the Business Enterprise for Minorities, Women, Veterans, and
24 Persons with Disabilities Act. In addition, the Authority
25 shall provide copies of all contracts under which any costs of
26 issuance are paid or to be paid to the Commission on Government

1 Forecasting and Accountability within 60 business days after
2 the issuance of bonds for which those costs are paid or to be
3 paid. Instead of filing a second or subsequent copy of the same
4 contract, the Authority may file a statement that specified
5 costs are paid under specified contracts filed earlier with
6 the Commission.

7 (c) The disclosures required in this Section shall be
8 published by posting the disclosures for no less than 30 days
9 on the website of the Authority and shall be available to the
10 public upon request. The Authority shall also provide the
11 disclosures to the Governor's Office of Management and Budget,
12 the Commission on Government Forecasting and Accountability,
13 and the General Assembly.

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

15 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

16 Sec. 23.1. Affirmative action.

17 (a) The Authority shall, within 90 days after the
18 effective date of this amendatory Act of 1984, establish and
19 maintain an affirmative action program designed to promote
20 equal employment opportunity and eliminate the effects of past
21 discrimination. Such program shall include a plan, including
22 timetables where appropriate, which shall specify goals and
23 methods for increasing participation by women, veterans, ~~and~~
24 minorities, and persons with disabilities in employment,
25 including employment related to the planning, organization,

1 and staging of the games, by the Authority and by parties which
2 contract with the Authority. The Authority shall submit a
3 detailed plan with the General Assembly prior to September 1
4 of each year. Such program shall also establish procedures and
5 sanctions, which the Authority shall enforce to ensure
6 compliance with the plan established pursuant to this Section
7 and with State and federal laws and regulations relating to
8 the employment of women, veterans, and minorities, and persons
9 with disabilities. A determination by the Authority as to
10 whether a party to a contract with the Authority has achieved
11 the goals or employed the methods for increasing participation
12 by women, veterans, and minorities, and persons with
13 disabilities shall be determined in accordance with the terms
14 of such contracts or the applicable provisions of rules and
15 regulations of the Authority existing at the time such
16 contract was executed, including any provisions for
17 consideration of good faith efforts at compliance which the
18 Authority may reasonably adopt.

19 (b) The Authority shall adopt and maintain minority-owned,
20 veteran-owned, and women-owned business, and persons with
21 disabilities-owned enterprise procurement programs under the
22 affirmative action program described in subsection (a) for any
23 and all work, including all contracting related to the
24 planning, organization, and staging of the games, undertaken
25 by the Authority. That work shall include, but is not limited
26 to, the purchase of professional services, construction

1 services, supplies, materials, and equipment. The programs
2 shall establish goals of awarding not less than 30% ~~25%~~ of the
3 annual dollar value of all contracts, purchase orders, or
4 other agreements (collectively referred to as "contracts") to
5 minority-owned businesses, woman-owned businesses,
6 veteran-owned businesses, and businesses owned by persons with
7 disabilities ~~and 5% of the annual dollar value of all~~
8 ~~contracts to women owned businesses.~~ Without limiting the
9 generality of the foregoing, the programs shall require in
10 connection with the prequalification or consideration of
11 vendors for professional service contracts, construction
12 contracts, and contracts for supplies, materials, equipment,
13 and services that each proposer or bidder submit as part of his
14 or her proposal or bid a commitment detailing how he or she
15 will expend 30% ~~25%~~ or more of the dollar value of his or her
16 contracts with one or more minority-owned businesses,
17 woman-owned businesses, veteran-owned businesses, or
18 businesses owned by persons with disabilities ~~and 5% or more~~
19 ~~of the dollar value with one or more women owned businesses.~~
20 Bids or proposals that do not include such detailed
21 commitments are not responsive and shall be rejected unless
22 the Authority deems it appropriate to grant a waiver of these
23 requirements. In addition the Authority may, in connection
24 with the selection of providers of professional services,
25 reserve the right to select a minority-owned business, ~~or~~
26 women-owned business, veteran-owned business, or business

1 owned by a person with a disability ~~or businesses~~ to fulfill
2 the commitment to minority, ~~and~~ woman, veteran, and person
3 with a disability business participation. The commitment to
4 minority, ~~and~~ woman, veteran, and person with a disability
5 business participation may be met by the contractor or
6 professional service provider's status as a minority-owned, ~~or~~
7 women-owned, or veteran-owned business or a business owned by
8 a person with a disability, by joint venture or by
9 subcontracting a portion of the work with or purchasing
10 materials for the work from one or more such businesses, or by
11 any combination thereof. Each contract shall require the
12 contractor or provider to submit a certified monthly report
13 detailing the status of that contractor or provider's
14 compliance with the Authority's minority-owned, ~~and~~
15 women-owned, veteran-owned, and persons with a
16 disability-owned business enterprise procurement program. The
17 Authority, after reviewing the monthly reports of the
18 contractors and providers, shall compile a comprehensive
19 report regarding compliance with this procurement program and
20 file it quarterly with the General Assembly. If, in connection
21 with a particular contract, the Authority determines that it
22 is impracticable or excessively costly to obtain
23 minority-owned, ~~or~~ women-owned, veteran-owned, and persons
24 with a disability-owned businesses to perform sufficient work
25 to fulfill the commitment required by this subsection, the
26 Authority shall reduce or waive the commitment in the

1 contract, as may be appropriate. The Authority shall establish
2 rules and regulations setting forth the standards to be used
3 in determining whether or not a reduction or waiver is
4 appropriate. The terms "minority-owned business", ~~and~~
5 "women-owned business", "veteran-owned business", and
6 "business owned by a person with a disability" have the
7 meanings given to those terms in the Business Enterprise for
8 Minorities, Women, Veterans, and Persons with Disabilities
9 Act.

10 (c) The Authority shall adopt and maintain an affirmative
11 action program in connection with the hiring of minorities, ~~and~~
12 ~~and~~ women, veterans, and persons with a disability on the
13 Expansion Project and on any and all construction projects,
14 including all contracting related to the planning,
15 organization, and staging of the games, undertaken by the
16 Authority. The program shall be designed to promote equal
17 employment opportunity and shall specify the goals and methods
18 for increasing the participation of minorities, ~~and~~ women, ~~and~~
19 veterans, and persons with a disability in a representative
20 mix of job classifications required to perform the respective
21 contracts awarded by the Authority.

22 (d) In connection with the Expansion Project, the
23 Authority shall incorporate the following elements into its
24 minority-owned, ~~and~~ women-owned, veteran-owned, and persons
25 with a disability-owned business procurement programs to the
26 extent feasible: (1) a major contractors program that permits

1 minority-owned businesses, ~~and~~ women-owned businesses, veteran-owned businesses, and businesses owned by a person
2 with a disability to bear significant responsibility and risk
3 for a portion of the project; (2) a mentor/protege program
4 that provides financial, technical, managerial, equipment, and
5 personnel support to minority-owned businesses, ~~and~~
6 women-owned businesses, veteran-owned businesses, and
7 businesses owned by a person with a disability; (3) an
8 emerging firms program that includes minority-owned
9 businesses, ~~and~~ women-owned businesses, veteran-owned
10 businesses, and businesses owned by a person with a disability
11 that would not otherwise qualify for the project due to
12 inexperience or limited resources; (4) a small projects
13 program that includes participation by smaller minority-owned
14 businesses, ~~and~~ women-owned businesses, veteran-owned
15 businesses, and businesses owned by a person with a disability
16 on jobs where the total dollar value is \$5,000,000 or less; and
17 (5) a set-aside program that will identify contracts requiring
18 the expenditure of funds less than \$50,000 for bids to be
19 submitted solely by minority-owned businesses, ~~and~~ women-owned
20 businesses, veteran-owned businesses, and businesses owned by
21 a person with a disability.

23 (e) The Authority is authorized to enter into agreements
24 with contractors' associations, labor unions, and the
25 contractors working on the Expansion Project to establish an
26 Apprenticeship Preparedness Training Program to provide for an

1 increase in the number of minority, ~~and~~ women, veteran, and
2 persons with a disability journeymen and apprentices in the
3 building trades and to enter into agreements with Community
4 College District 508 to provide readiness training. The
5 Authority is further authorized to enter into contracts with
6 public and private educational institutions and persons in the
7 hospitality industry to provide training for employment in the
8 hospitality industry.

9 (f) McCormick Place Advisory Board. There is created a
10 McCormick Place Advisory Board composed as follows: 2 members
11 shall be appointed by the Mayor of Chicago; 2 members shall be
12 appointed by the Governor; 2 members shall be State Senators
13 appointed by the President of the Senate; 2 members shall be
14 State Senators appointed by the Minority Leader of the Senate;
15 2 members shall be State Representatives appointed by the
16 Speaker of the House of Representatives; and 2 members shall
17 be State Representatives appointed by the Minority Leader of
18 the House of Representatives. The terms of all previously
19 appointed members of the Advisory Board expire on the
20 effective date of this amendatory Act of the 92nd General
21 Assembly. A State Senator or State Representative member may
22 appoint a designee to serve on the McCormick Place Advisory
23 Board in his or her absence.

24 "Minority person", "woman", "veteran", "person with a
25 disability", "minority-owned business", "women-owned
26 business", "veteran-owned business", and "business owned by a

1 person with a disability" have the meanings provided in the
2 Business Enterprise and Minorities, Women, Veterans, and
3 Persons with Disabilities Act.

4 ~~A "member of a minority group" shall mean a person who is a~~
5 ~~citizen or lawful permanent resident of the United States and~~
6 ~~who is any of the following:~~

7 ~~(1) American Indian or Alaska Native (a person having~~
8 ~~origins in any of the original peoples of North and South~~
9 ~~America, including Central America, and who maintains~~
10 ~~tribal affiliation or community attachment).~~

11 ~~(2) Asian (a person having origins in any of the~~
12 ~~original peoples of the Far East, Southeast Asia, or the~~
13 ~~Indian subcontinent, including, but not limited to,~~
14 ~~Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,~~
15 ~~the Philippine Islands, Thailand, and Vietnam).~~

16 ~~(3) Black or African American (a person having origins~~
17 ~~in any of the black racial groups of Africa). Terms such as~~
18 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
19 ~~African American".~~

20 ~~(4) Hispanic or Latino (a person of Cuban, Mexican,~~
21 ~~Puerto Rican, South or Central American, or other Spanish~~
22 ~~culture or origin, regardless of race).~~

23 ~~(5) Native Hawaiian or Other Pacific Islander (a~~
24 ~~person having origins in any of the original peoples of~~
25 ~~Hawaii, Guam, Samoa, or other Pacific Islands).~~

26 Members of the McCormick Place Advisory Board shall serve

1 2-year terms and until their successors are appointed, except
2 members who serve as a result of their elected position whose
3 terms shall continue as long as they hold their designated
4 elected positions. Vacancies shall be filled by appointment
5 for the unexpired term in the same manner as original
6 appointments are made. The McCormick Place Advisory Board
7 shall elect its own chairperson.

8 Members of the McCormick Place Advisory Board shall serve
9 without compensation but, at the Authority's discretion, shall
10 be reimbursed for necessary expenses in connection with the
11 performance of their duties.

12 The McCormick Place Advisory Board shall meet quarterly,
13 or as needed, shall produce any reports it deems necessary,
14 and shall:

15 (1) Work with the Authority on ways to improve the
16 area physically and economically;

17 (2) Work with the Authority regarding potential means
18 for providing increased economic opportunities to
19 minorities and women produced indirectly or directly from
20 the construction and operation of the Expansion Project;

21 (3) Work with the Authority to minimize any potential
22 impact on the area surrounding the McCormick Place
23 Expansion Project, including any impact on minority-owned
24 or women-owned businesses, resulting from the construction
25 and operation of the Expansion Project;

26 (4) Work with the Authority to find candidates for

1 building trades apprenticeships, for employment in the
2 hospitality industry, and to identify job training
3 programs;

4 (5) Work with the Authority to implement the
5 provisions of subsections (a) through (e) of this Section
6 in the construction of the Expansion Project, including
7 the Authority's goal of awarding not less than 30% ~~25%~~ and
8 ~~5%~~ of the annual dollar value of contracts to
9 minority-owned businesses, ~~and~~ women-owned businesses,
10 veteran-owned businesses, and businesses owned by persons
11 with a disability, the outreach program for minorities,
12 ~~and~~ women, veterans, and persons with a disability, and
13 the mentor/protege program for providing assistance to
14 minority-owned businesses, ~~and~~ women-owned businesses,
15 veteran-owned businesses, and businesses owned by persons
16 with a disability.

17 (g) The Authority shall comply with subsection (e) of
18 Section 5-42 of the Olympic Games and Paralympic Games (2016)
19 Law. For purposes of this Section, the term "games" has the
20 meaning set forth in the Olympic Games and Paralympic Games
21 (2016) Law.

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

23 Section 145. The Illinois Sports Facilities Authority Act
24 is amended by changing Section 9 as follows:

1 (70 ILCS 3205/9) (from Ch. 85, par. 6009)

2 Sec. 9. Duties. In addition to the powers set forth
3 elsewhere in this Act, subject to the terms of any agreements
4 with the holders of the Authority's bonds or notes, the
5 Authority shall:

6 (1) Comply with all zoning, building, and land use
7 controls of the municipality within which is located any
8 stadium facility owned by the Authority or for which the
9 Authority provides financial assistance.

10 (2) With respect to a facility owned or to be owned by
11 the Authority, enter or have entered into a management
12 agreement with a tenant of the Authority to operate the
13 facility that requires the tenant to operate the facility
14 for a period at least as long as the term of any bonds
15 issued to finance the development, establishment,
16 construction, erection, acquisition, repair,
17 reconstruction, remodeling, adding to, extension,
18 improvement, equipping, operation, and maintenance of the
19 facility. Such agreement shall contain appropriate and
20 reasonable provisions with respect to termination, default
21 and legal remedies.

22 (3) With respect to a facility owned or to be owned by
23 a governmental owner other than the Authority, enter into
24 an assistance agreement with either a governmental owner
25 of a facility or its tenant, or both, that requires the
26 tenant, or if the tenant is not a party to the assistance

1 agreement requires the governmental owner to enter into an
2 agreement with the tenant that requires the tenant to use
3 the facility for a period at least as long as the term of
4 any bonds issued to finance the reconstruction,
5 renovation, remodeling, extension or improvement of all or
6 substantially all of the facility.

7 (4) Create and maintain a separate financial reserve
8 for repair and replacement of capital assets of any
9 facility owned by the Authority or for which the Authority
10 provides financial assistance and deposit into this
11 reserve not less than \$1,000,000 per year for each such
12 facility beginning at such time as the Authority and the
13 tenant, or the Authority and a governmental owner of a
14 facility, as applicable, shall agree.

15 (5) In connection with prequalification of general
16 contractors for the construction of a new stadium facility
17 or the reconstruction, renovation, remodeling, extension,
18 or improvement of all or substantially all of an existing
19 facility, the Authority shall require submission of a
20 commitment detailing how the general contractor will
21 expend 30% ~~25%~~ or more of the dollar value of the general
22 contract with one or more minority-owned businesses, and
23 women-owned businesses, veteran-owned businesses, and
24 businesses owned by persons with a disability ~~and 5% or~~
25 ~~more of the dollar value with one or more women-owned~~
26 ~~businesses~~. This commitment may be met by contractor's

1 status as a minority-owned business, ~~businesses~~ or
2 women-owned business ~~businesses~~, veteran-owned business,
3 or business owned by a person with a disability, by a joint
4 venture or by subcontracting a portion of the work with or
5 by purchasing materials for the work from one or more such
6 businesses, or by any combination thereof. Any contract
7 with the general contractor for construction of the new
8 stadium facility and any contract for the reconstruction,
9 renovation, remodeling, adding to, extension or
10 improvement of all or substantially all of an existing
11 facility shall require the general contractor to meet the
12 foregoing obligations and shall require monthly reporting
13 to the Authority with respect to the status of the
14 implementation of the contractor's affirmative action plan
15 and compliance with that plan. This report shall be filed
16 with the General Assembly. The Authority shall establish
17 and maintain an affirmative action program designed to
18 promote equal employment opportunity which specifies the
19 goals and methods for increasing participation by
20 minorities and women in a representative mix of job
21 classifications required to perform the respective
22 contracts. The Authority shall file a report before March
23 1 of each year with the General Assembly detailing its
24 implementation of this paragraph. The terms
25 "minority-owned business ~~businesses~~", "women-owned
26 business ~~businesses~~", veteran-owned business, and

1 "business owned by a person with a disability" have the
2 meanings given to those terms in the Business Enterprise
3 for Minorities, Women, Veterans, and Persons with
4 Disabilities Act.

5 (6) Provide for the construction of any new facility
6 pursuant to one or more contracts which require delivery
7 of a completed facility at a fixed maximum price to be
8 insured or guaranteed by a third party determined by the
9 Authority to be financially capable of causing completion
10 of such construction of the new facility.

11 In connection with any assistance agreement with a
12 governmental owner that provides financial assistance for a
13 facility to be used by a National Football League team, the
14 assistance agreement shall provide that the Authority or its
15 agent shall enter into the contract or contracts for the
16 design and construction services or design/build services for
17 such facility and thereafter transfer its rights and
18 obligations under the contract or contracts to the
19 governmental owner of the facility. In seeking parties to
20 provide design and construction services or design/build
21 services with respect to such facility, the Authority may use
22 such procurement procedures as it may determine, including,
23 without limitation, the selection of design professionals and
24 construction managers or design/builders as may be required by
25 a team that is at risk, in whole or in part, for the cost of
26 design and construction of the facility.

1 An assistance agreement may not provide, directly or
2 indirectly, for the payment to the Chicago Park District of
3 more than a total of \$10,000,000 on account of the District's
4 loss of property or revenue in connection with the renovation
5 of a facility pursuant to the assistance agreement.

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

7 Section 150. The Downstate Illinois Sports Facilities
8 Authority Act is amended by changing Section 40 as follows:

9 (70 ILCS 3210/40)

10 Sec. 40. Duties.

11 (a) In addition to the powers set forth elsewhere in this
12 Act, subject to the terms of any agreements with the holders of
13 the Authority's evidences of indebtedness, the Authority shall
14 do the following:

15 (1) Comply with all zoning, building, and land use
16 controls of the municipality within which is located any
17 stadium facility owned by the Authority or for which the
18 Authority provides financial assistance.

19 (2) Enter into a loan agreement with an owner of a
20 facility to finance the acquisition, construction,
21 maintenance, or rehabilitation of the facility. The
22 agreement shall contain appropriate and reasonable
23 provisions with respect to termination, default, and legal
24 remedies. The loan may be at below-market interest rates.

1 (3) Create and maintain a financial reserve for repair
2 and replacement of capital assets.

3 (b) In a loan agreement for the construction of a new
4 facility, in connection with prequalification of general
5 contractors for construction of the facility, the Authority
6 shall require that the owner of the facility require
7 submission of a commitment detailing how the general
8 contractor will expend 30% ~~25%~~ or more of the dollar value of
9 the general contract with one or more minority-owned
10 businesses, women-owned businesses, veteran-owned businesses,
11 or businesses owned by persons with a disability ~~and 5% or more~~
12 ~~of the dollar value with one or more women-owned businesses.~~
13 This commitment may be met by contractor's status as a
14 minority-owned business, ~~businesses or~~ women-owned business,
15 ~~businesses,~~ veteran-owned business, or a business owned by a
16 person with a disability by a joint venture, or by
17 subcontracting a portion of the work with or by purchasing
18 materials for the work from one or more such businesses, or by
19 any combination thereof. Any contract with the general
20 contractor for construction of the new facility shall require
21 the general contractor to meet the foregoing obligations and
22 shall require monthly reporting to the Authority with respect
23 to the status of the implementation of the contractor's
24 affirmative action plan and compliance with that plan. This
25 report shall be filed with the General Assembly. The Authority
26 shall require that the facility owner establish and maintain

1 an affirmative action program designed to promote equal
2 employment opportunity and that specifies the goals and
3 methods for increasing participation by minorities and women
4 in a representative mix of job classifications required to
5 perform the respective contracts. The Authority shall file a
6 report before March 1 of each year with the General Assembly
7 detailing its implementation of this subsection. The terms
8 "minority-owned businesses", ~~and~~ "women-owned businesses",
9 "veteran-owned business", and "business owned by persons with
10 a disability" have the meanings provided in the Business
11 Enterprise for Minorities, Women, Veterans, and Persons with
12 Disabilities Act.

13 (c) With respect to a facility owned or to be owned by the
14 Authority, enter or have entered into a management agreement
15 with a tenant of the Authority to operate the facility that
16 requires the tenant to operate the facility for a period at
17 least as long as the term of any bonds issued to finance the
18 development, establishment, construction, erection,
19 acquisition, repair, reconstruction, remodeling, adding to,
20 extension, improvement, equipping, operation, and maintenance
21 of the facility. Such agreement shall contain appropriate and
22 reasonable provisions with respect to termination, default,
23 and legal remedies.

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

25 Section 155. The Metropolitan Transit Authority Act is

1 amended by changing Section 12c as follows:

2 (70 ILCS 3605/12c)

3 Sec. 12c. Retiree Benefits Bonds and Notes.

4 (a) In addition to all other bonds or notes that it is
5 authorized to issue, the Authority is authorized to issue its
6 bonds or notes for the purposes of providing funds for the
7 Authority to make the deposits described in Section 12c(b) (1)
8 and (2), for refunding any bonds authorized to be issued under
9 this Section, as well as for the purposes of paying costs of
10 issuance, obtaining bond insurance or other credit enhancement
11 or liquidity facilities, paying costs of obtaining related
12 swaps as authorized in the Bond Authorization Act ("Swaps"),
13 providing a debt service reserve fund, paying Debt Service (as
14 defined in paragraph (i) of this Section 12c), and paying all
15 other costs related to any such bonds or notes.

16 (b) (1) After its receipt of a certified copy of a report of
17 the Auditor General of the State of Illinois meeting the
18 requirements of Section 3-2.3 of the Illinois State Auditing
19 Act, the Authority may issue \$1,348,550,000 aggregate original
20 principal amount of bonds and notes. After payment of the
21 costs of issuance and necessary deposits to funds and accounts
22 established with respect to debt service, the net proceeds of
23 such bonds or notes shall be deposited only in the Retirement
24 Plan for Chicago Transit Authority Employees and used only for
25 the purposes required by Section 22-101 of the Illinois

1 Pension Code. Provided that no less than \$1,110,500,000 has
2 been deposited in the Retirement Plan, remaining proceeds of
3 bonds issued under this subparagraph (b)(1) may be used to pay
4 costs of issuance and make necessary deposits to funds and
5 accounts with respect to debt service for bonds and notes
6 issued under this subparagraph or subparagraph (b)(2).

7 (2) After its receipt of a certified copy of a report of
8 the Auditor General of the State of Illinois meeting the
9 requirements of Section 3-2.3 of the Illinois State Auditing
10 Act, the Authority may issue \$639,680,000 aggregate original
11 principal amount of bonds and notes. After payment of the
12 costs of issuance and necessary deposits to funds and accounts
13 established with respect to debt service, the net proceeds of
14 such bonds or notes shall be deposited only in the Retiree
15 Health Care Trust and used only for the purposes required by
16 Section 22-101B of the Illinois Pension Code. Provided that no
17 less than \$528,800,000 has been deposited in the Retiree
18 Health Care Trust, remaining proceeds of bonds issued under
19 this subparagraph (b)(2) may be used to pay costs of issuance
20 and make necessary deposits to funds and accounts with respect
21 to debt service for bonds and notes issued under this
22 subparagraph or subparagraph (b)(1).

23 (3) In addition, refunding bonds are authorized to be
24 issued for the purpose of refunding outstanding bonds or notes
25 issued under this Section 12c.

26 (4) The bonds or notes issued under 12c(b)(1) shall be

1 issued as soon as practicable after the Auditor General issues
2 the report provided in Section 3-2.3(b) of the Illinois State
3 Auditing Act. The bonds or notes issued under 12c(b)(2) shall
4 be issued as soon as practicable after the Auditor General
5 issues the report provided in Section 3-2.3(c) of the Illinois
6 State Auditing Act.

7 (5) With respect to bonds and notes issued under
8 subparagraph (b), scheduled aggregate annual payments of
9 interest or deposits into funds and accounts established for
10 the purpose of such payment shall commence within one year
11 after the bonds and notes are issued. With respect to
12 principal and interest, scheduled aggregate annual payments of
13 principal and interest or deposits into funds and accounts
14 established for the purpose of such payment shall be not less
15 than 70% in 2009, 80% in 2010, and 90% in 2011, respectively,
16 of scheduled payments or deposits of principal and interest in
17 2012 and shall be substantially equal beginning in 2012 and
18 each year thereafter. For purposes of this subparagraph (b),
19 "substantially equal" means that debt service in any full year
20 after calendar year 2011 is not more than 115% of debt service
21 in any other full year after calendar year 2011 during the term
22 of the bonds or notes. For the purposes of this subsection (b),
23 with respect to bonds and notes that bear interest at a
24 variable rate, interest shall be assumed at a rate equal to the
25 rate for United States Treasury Securities - State and Local
26 Government Series for the same maturity, plus 75 basis points.

1 If the Authority enters into a Swap with a counterparty
2 requiring the Authority to pay a fixed interest rate on a
3 notional amount, and the Authority has made a determination
4 that such Swap was entered into for the purpose of providing
5 substitute interest payments for variable interest rate bonds
6 or notes of a particular maturity or maturities in a principal
7 amount equal to the notional amount of the Swap, then during
8 the term of the Swap for purposes of any calculation of
9 interest payable on such bonds or notes, the interest rate on
10 the bonds or notes of such maturity or maturities shall be
11 determined as if such bonds or notes bore interest at the fixed
12 interest rate payable by the Authority under such Swap.

13 (6) No bond or note issued under this Section 12c shall
14 mature later than December 31, 2040.

15 (c) The Chicago Transit Board shall provide for the
16 issuance of bonds or notes as authorized in this Section 12c by
17 the adoption of an ordinance. The ordinance, together with the
18 bonds or notes, shall constitute a contract among the
19 Authority, the owners from time to time of the bonds or notes,
20 any bond trustee with respect to the bonds or notes, any
21 related credit enhancer and any provider of any related Swaps.

22 (d) The Authority is authorized to cause the proceeds of
23 the bonds or notes, and any interest or investment earnings on
24 the bonds or notes, and of any Swaps, to be invested until the
25 proceeds and any interest or investment earnings have been
26 deposited with the Retirement Plan or the Retiree Health Care

1 Trust.

2 (e) Bonds or notes issued pursuant to this Section 12c may
3 be general obligations of the Authority, to which shall be
4 pledged the full faith and credit of the Authority, or may be
5 obligations payable solely from particular sources of funds
6 all as may be provided in the authorizing ordinance. The
7 authorizing ordinance for the bonds and notes, whether or not
8 general obligations of the Authority, may provide for the Debt
9 Service (as defined in paragraph (i) of this Section 12c) to
10 have a claim for payment from particular sources of funds,
11 including, without limitation, amounts to be paid to the
12 Authority or a bond trustee. The authorizing ordinance may
13 provide for the means by which the bonds or notes (and any
14 related Swaps) may be secured, which may include, a pledge of
15 any revenues or funds of the Authority from whatever source
16 which may by law be utilized for paying Debt Service. In
17 addition to any other security, upon the written approval of
18 the Regional Transportation Authority by the affirmative vote
19 of 12 of its then Directors, the ordinance may provide a
20 specific pledge or assignment of and lien on or security
21 interest in amounts to be paid to the Authority by the Regional
22 Transportation Authority and direct payment thereof to the
23 bond trustee for payment of Debt Service with respect to the
24 bonds or notes, subject to the provisions of existing lease
25 agreements of the Authority with any public building
26 commission. The authorizing ordinance may also provide a

1 specific pledge or assignment of and lien on or security
2 interest in and direct payment to the trustee of all or a
3 portion of the moneys otherwise payable to the Authority from
4 the City of Chicago pursuant to an intergovernmental agreement
5 with the Authority to provide financial assistance to the
6 Authority. Any such pledge, assignment, lien or security
7 interest for the benefit of owners of bonds or notes shall be
8 valid and binding from the time the bonds or notes are issued,
9 without any physical delivery or further act, and shall be
10 valid and binding as against and prior to the claims of all
11 other parties having claims of any kind against the Authority
12 or any other person, irrespective of whether such other
13 parties have notice of such pledge, assignment, lien or
14 security interest, all as provided in the Local Government
15 Debt Reform Act, as it may be amended from time to time. The
16 bonds or notes of the Authority issued pursuant to this
17 Section 12c shall have such priority of payment and as to their
18 claim for payment from particular sources of funds, including
19 their priority with respect to obligations of the Authority
20 issued under other Sections of this Act, all as shall be
21 provided in the ordinances authorizing the issuance of the
22 bonds or notes. The ordinance authorizing the issuance of any
23 bonds or notes under this Section may provide for the creation
24 of, deposits in, and regulation and disposition of sinking
25 fund or reserve accounts relating to those bonds or notes and
26 related agreements. The ordinance authorizing the issuance of

1 any such bonds or notes authorized under this Section 12c may
2 contain provisions for the creation of a separate fund to
3 provide for the payment of principal of and interest on those
4 bonds or notes and related agreements. The ordinance may also
5 provide limitations on the issuance of additional bonds or
6 notes of the Authority.

7 (f) Bonds or notes issued under this Section 12c shall not
8 constitute an indebtedness of the Regional Transportation
9 Authority, the State of Illinois, or of any other political
10 subdivision of or municipality within the State, except the
11 Authority.

12 (g) The ordinance of the Chicago Transit Board authorizing
13 the issuance of bonds or notes pursuant to this Section 12c may
14 provide for the appointment of a corporate trustee (which may
15 be any trust company or bank having the powers of a trust
16 company within Illinois) with respect to bonds or notes issued
17 pursuant to this Section 12c. The ordinance shall prescribe
18 the rights, duties, and powers of the trustee to be exercised
19 for the benefit of the Authority and the protection of the
20 owners of bonds or notes issued pursuant to this Section 12c.
21 The ordinance may provide for the trustee to hold in trust,
22 invest and use amounts in funds and accounts created as
23 provided by the ordinance with respect to the bonds or notes in
24 accordance with this Section 12c. The Authority may apply, as
25 it shall determine, any amounts received upon the sale of the
26 bonds or notes to pay any Debt Service on the bonds or notes.

1 The ordinance may provide for a trust indenture to set forth
2 terms of, sources of payment for and security for the bonds and
3 notes.

4 (h) The State of Illinois pledges to and agrees with the
5 owners of the bonds or notes issued pursuant to Section 12c
6 that the State of Illinois will not limit the powers vested in
7 the Authority by this Act to pledge and assign its revenues and
8 funds as security for the payment of the bonds or notes, or
9 vested in the Regional Transportation Authority by the
10 Regional Transportation Authority Act or this Act, so as to
11 materially impair the payment obligations of the Authority
12 under the terms of any contract made by the Authority with
13 those owners or to materially impair the rights and remedies
14 of those owners until those bonds or notes, together with
15 interest and any redemption premium, and all costs and
16 expenses in connection with any action or proceedings by or on
17 behalf of such owners are fully met and discharged. The
18 Authority is authorized to include these pledges and
19 agreements of the State of Illinois in any contract with
20 owners of bonds or notes issued pursuant to this Section 12c.

21 (i) For purposes of this Section, "Debt Service" with
22 respect to bonds or notes includes, without limitation,
23 principal (at maturity or upon mandatory redemption),
24 redemption premium, interest, periodic, upfront, and
25 termination payments on Swaps, fees for bond insurance or
26 other credit enhancement, liquidity facilities, the funding of

1 bond or note reserves, bond trustee fees, and all other costs
2 of providing for the security or payment of the bonds or notes.

3 (j) The Authority shall adopt a procurement program with
4 respect to contracts relating to the following service
5 providers in connection with the issuance of debt for the
6 benefit of the Retirement Plan for Chicago Transit Authority
7 Employees: underwriters, bond counsel, financial advisors, and
8 accountants. The program shall include goals for the payment
9 of not less than 30% of the total dollar value of the fees from
10 these contracts to minority-owned businesses, ~~and~~ women-owned
11 businesses, veteran-owned businesses, and businesses owned by
12 persons with a disability as defined in the Business
13 Enterprise for Minorities, Women, Veterans, and Persons with
14 Disabilities Act. The Authority shall conduct outreach to
15 minority-owned businesses, ~~and~~ women-owned businesses, ~~and~~
16 veteran-owned businesses, and businesses owned by persons with
17 a disability. Outreach shall include, but is not limited to,
18 advertisements in periodicals and newspapers, mailings, and
19 other appropriate media. The Authority shall submit to the
20 General Assembly a comprehensive report that shall include, at
21 a minimum, the details of the procurement plan, outreach
22 efforts, and the results of the efforts to achieve goals for
23 the payment of fees. The service providers selected by the
24 Authority pursuant to such program shall not be subject to
25 approval by the Regional Transportation Authority, and the
26 Regional Transportation Authority's approval pursuant to

1 subsection (e) of this Section 12c related to the issuance of
2 debt shall not be based in any way on the service providers
3 selected by the Authority pursuant to this Section.

4 (k) No person holding an elective office in this State,
5 holding a seat in the General Assembly, serving as a director,
6 trustee, officer, or employee of the Regional Transportation
7 Authority or the Chicago Transit Authority, including the
8 spouse or minor child of that person, may receive a legal,
9 banking, consulting, or other fee related to the issuance of
10 any bond issued by the Chicago Transit Authority pursuant to
11 this Section.

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

13 Section 160. The School Code is amended by changing
14 Section 10-20.44 as follows:

15 (105 ILCS 5/10-20.44)

16 Sec. 10-20.44. Report on contracts.

17 (a) This Section applies to all school districts,
18 including a school district organized under Article 34 of this
19 Code.

20 (b) A school board must list on the district's Internet
21 website, if any, all contracts over \$25,000 and any contract
22 that the school board enters into with an exclusive bargaining
23 representative.

24 (c) Each year, in conjunction with the submission of the

1 Statement of Affairs to the State Board of Education prior to
2 December 1, provided for in Section 10-17, each school
3 district shall submit to the State Board of Education an
4 annual report on all contracts over \$25,000 awarded by the
5 school district during the previous fiscal year. The report
6 shall include at least the following:

7 (1) the total number of all contracts awarded by the
8 school district;

9 (2) the total value of all contracts awarded;

10 (3) the number of contracts awarded to minority-owned
11 businesses, women-owned businesses, veteran-owned
12 businesses, and businesses owned by persons with
13 disabilities, as defined in the Business Enterprise for
14 Minorities, Women, Veterans, and Persons with Disabilities
15 Act, and locally owned businesses; and

16 (4) the total value of contracts awarded to
17 minority-owned businesses, women-owned businesses,
18 veteran-owned businesses, and businesses owned by persons
19 with disabilities, as defined in the Business Enterprise
20 for Minorities, Women, Veterans, and Persons with
21 Disabilities Act, and locally owned businesses.

22 The report shall be made available to the public,
23 including publication on the school district's Internet
24 website, if any.

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

1 Section 165. The Public University Energy Conservation Act
2 is amended by changing Sections 3 and 5-10 as follows:

3 (110 ILCS 62/3)

4 Sec. 3. Applicable laws. Other State laws and related
5 administrative requirements apply to this Act, including, but
6 not limited to, the following laws and related administrative
7 requirements: the Illinois Human Rights Act, the Prevailing
8 Wage Act, the Public Construction Bond Act, the Public Works
9 Preference Act (repealed on June 16, 2010 by Public Act
10 96-929), the Employment of Illinois Workers on Public Works
11 Act, the Freedom of Information Act, the Open Meetings Act,
12 the Illinois Architecture Practice Act of 1989, the
13 Professional Engineering Practice Act of 1989, the Structural
14 Engineering Practice Act of 1989, the Architectural,
15 Engineering, and Land Surveying Qualifications Based Selection
16 Act, the Public Contract Fraud Act, the Business Enterprise
17 for Minorities, Women, Veterans, and Persons with Disabilities
18 Act, and the Public Works Employment Discrimination Act.

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

20 (110 ILCS 62/5-10)

21 Sec. 5-10. Energy conservation measure.

22 (a) "Energy conservation measure" means any improvement,
23 repair, alteration, or betterment of any building or facility,
24 subject to all applicable building codes, owned or operated by

1 a public university or any equipment, fixture, or furnishing
2 to be added to or used in any such building or facility that is
3 designed to reduce energy consumption or operating costs, and
4 may include, without limitation, one or more of the following:

5 (1) Insulation of the building structure or systems
6 within the building.

7 (2) Storm windows or doors, caulking or
8 weatherstripping, multiglazed windows or doors, heat
9 absorbing or heat reflective glazed and coated window or
10 door systems, additional glazing, reductions in glass
11 area, or other window and door system modifications that
12 reduce energy consumption.

13 (3) Automated or computerized energy control systems.

14 (4) Heating, ventilating, or air conditioning system
15 modifications or replacements.

16 (5) Replacement or modification of lighting fixtures
17 to increase the energy efficiency of the lighting system
18 without increasing the overall illumination of a facility,
19 unless an increase in illumination is necessary to conform
20 to the applicable State or local building code for the
21 lighting system after the proposed modifications are made.

22 (6) Energy recovery systems.

23 (7) Energy conservation measures that provide
24 long-term operating cost reductions.

25 (b) From the effective date of this amendatory Act of the
26 96th General Assembly until January 1, 2015, "energy

1 conservation measure" includes a renewable energy center pilot
2 project at Eastern Illinois University, provided that:

3 (1) the University signs a partnership contract with a
4 qualified energy conservation measure provider as provided
5 in this Act;

6 (2) the University has responsibility for the
7 qualified provider's actions with regard to applicable
8 laws;

9 (3) the University obtains a performance bond in
10 accordance with this Act;

11 (4) the University and the qualified provider follow
12 all aspects of the Prevailing Wage Act as provided by this
13 Act;

14 (5) the University and the qualified provider use an
15 approved list of firms from the Capital Development Board
16 (CDB), unless the University requires services that are
17 not typically performed by the firms on CDB's list;

18 (6) the University provides monthly progress reports
19 to the Procurement Policy Board, and the University allows
20 a representative from CDB to monitor the project, provided
21 that such involvement is at no cost to the University;

22 (7) the University requires the qualified provider to
23 follow the provisions of the Business Enterprise for
24 Minorities, Women, Veterans, and Persons with Disabilities
25 Act and the Public Works Employment Discrimination Act as
26 provided in this Act;

1 (8) the University agrees to award new building
2 construction work to a responsible bidder, as defined in
3 Section 30-22 of the Illinois Procurement Code;

4 (9) the University includes in its contract with the
5 qualified provider a requirement that the qualified
6 provider name the sub-contractors that it will use, and
7 the qualified provider may not change these without the
8 University's written approval;

9 (10) the University follows, to the extent possible,
10 the Design-Build Procurement Act for construction of the
11 project, taking into consideration the current status of
12 the project; for purposes of this Act, the definition of
13 "State construction agency" in the Design-Build
14 Procurement Act means Eastern Illinois University for the
15 purpose of this project;

16 (11) the University follows, to the extent possible,
17 the Architectural, Engineering, and Land Surveying
18 Qualifications Based Selection Act;

19 (12) the University requires all engineering,
20 architecture, and design work related to the installation
21 or modification of facilities be performed by design
22 professionals licensed by the State of Illinois and
23 professional design firms registered in the State of
24 Illinois; and

25 (13) the University produces annual reports and a
26 final report describing the project upon completion and

1 files the reports with the Procurement Policy Board, CDB,
2 and the General Assembly.

3 The provisions of this subsection (b), other than this
4 sentence, are inoperative after January 1, 2015.

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

6 Section 170. The Illinois State University Law is amended
7 by changing Section 20-115 as follows:

8 (110 ILCS 675/20-115)

9 Sec. 20-115. Illinois Institute for Entrepreneurship
10 Education.

11 (a) There is created, effective July 1, 1997, within the
12 State at Illinois State University, the Illinois Institute for
13 Entrepreneurship Education, hereinafter referred to as the
14 Institute.

15 (b) The Institute created under this Section shall
16 commence its operations on July 1, 1997 and shall have a board
17 composed of 15 members representative of education, commerce
18 and industry, government, or labor, appointed as follows: 2
19 members shall be appointees of the Governor, one of whom shall
20 be a minority or woman person as defined in Section 2 of the
21 Business Enterprise for Minorities, Women, Veterans, and
22 Persons with Disabilities Act; one member shall be an
23 appointee of the President of the Senate; one member shall be
24 an appointee of the Minority Leader of the Senate; one member

1 shall be an appointee of the Speaker of the House of
2 Representatives; one member shall be an appointee of the
3 Minority Leader of the House of Representatives; 2 members
4 shall be appointees of Illinois State University; one member
5 shall be an appointee of the Board of Higher Education; one
6 member shall be an appointee of the State Board of Education;
7 one member shall be an appointee of the Department of Commerce
8 and Economic Opportunity; one member shall be an appointee of
9 the Illinois chapter of Economics America; and 3 members shall
10 be appointed by majority vote of the other 12 appointed
11 members to represent business owner-entrepreneurs. Each member
12 shall have expertise and experience in the area of
13 entrepreneurship education, including small business and
14 entrepreneurship. The majority of voting members must be from
15 the private sector. The members initially appointed to the
16 board of the Institute created under this Section shall be
17 appointed to take office on July 1, 1997 and shall by lot
18 determine the length of their respective terms as follows: 5
19 members shall be selected by lot to serve terms of one year, 5
20 members shall be selected by lot to serve terms of 2 years, and
21 5 members shall be selected by lot to serve terms of 3 years.
22 Subsequent appointees shall each serve terms of 3 years. The
23 board shall annually select a chairperson from among its
24 members. Each board member shall serve without compensation
25 but shall be reimbursed for expenses incurred in the
26 performance of his or her duties.

1 (c) The purpose of the Institute shall be to foster the
2 growth and development of entrepreneurship education in the
3 State of Illinois. The Institute shall help remedy the
4 deficiencies in the preparation of entrepreneurship education
5 teachers, increase the quality and quantity of
6 entrepreneurship education programs, improve instructional
7 materials, and prepare personnel to serve as leaders and
8 consultants in the field of entrepreneurship education and
9 economic development. The Institute shall promote
10 entrepreneurship as a career option, promote and support the
11 development of innovative entrepreneurship education materials
12 and delivery systems, promote business, industry, and
13 education partnerships, promote collaboration and involvement
14 in entrepreneurship education programs, encourage and support
15 in-service and preservice teacher education programs within
16 various educational systems, and develop and distribute
17 relevant materials. The Institute shall provide a framework
18 under which the public and private sectors may work together
19 toward entrepreneurship education goals. These goals shall be
20 achieved by bringing together programs that have an impact on
21 entrepreneurship education to achieve coordination among
22 agencies and greater efficiency in the expenditure of funds.

23 (d) Beginning July 1, 1997, the Institute shall have the
24 following powers subject to State and Illinois State
25 University Board of Trustees regulations and guidelines:

26 (1) To employ and determine the compensation of an

1 executive director and such staff as it deems necessary;

2 (2) To own property and expend and receive funds and
3 generate funds;

4 (3) To enter into agreements with public and private
5 entities in the furtherance of its purpose; and

6 (4) To request and receive the cooperation and
7 assistance of all State departments and agencies in the
8 furtherance of its purpose.

9 (e) The board of the Institute shall be a policy making
10 body with the responsibility for planning and developing
11 Institute programs. The Institute, through the Board of
12 Trustees of Illinois State University, shall annually report
13 to the Governor and General Assembly by January 31 as to its
14 activities and operations, including its findings and
15 recommendations.

16 (f) Beginning on July 1, 1997, the Institute created under
17 this Section shall be deemed designated by law as the
18 successor to the Illinois Institute for Entrepreneurship
19 Education, previously created and existing under Section
20 2-11.5 of the Public Community College Act until its abolition
21 on July 1, 1997 as provided in that Section. On July 1, 1997,
22 all financial and other records of the Institute so abolished
23 and all of its property, whether real or personal, including
24 but not limited to all inventory and equipment, shall be
25 deemed transferred by operation of law to the Illinois
26 Institute for Entrepreneurship Education created under this

1 Section 20-115. The Illinois Institute for Entrepreneurship
2 Education created under this Section 20-115 shall have, with
3 respect to the predecessor Institute so abolished, all
4 authority, powers, and duties of a successor agency under
5 Section 10-15 of the Successor Agency Act.

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

7 Section 175. The Public Utilities Act is amended by
8 changing Section 9-220 as follows:

9 (220 ILCS 5/9-220) (from Ch. 111 2/3, par. 9-220)

10 Sec. 9-220. Rate changes based on changes in fuel costs.

11 (a) Notwithstanding the provisions of Section 9-201, the
12 Commission may authorize the increase or decrease of rates and
13 charges based upon changes in the cost of fuel used in the
14 generation or production of electric power, changes in the
15 cost of purchased power, or changes in the cost of purchased
16 gas through the application of fuel adjustment clauses or
17 purchased gas adjustment clauses. The Commission may also
18 authorize the increase or decrease of rates and charges based
19 upon expenditures or revenues resulting from the purchase or
20 sale of emission allowances created under the federal Clean
21 Air Act Amendments of 1990, through such fuel adjustment
22 clauses, as a cost of fuel. For the purposes of this paragraph,
23 cost of fuel used in the generation or production of electric
24 power shall include the amount of any fees paid by the utility

1 for the implementation and operation of a process for the
2 desulfurization of the flue gas when burning high sulfur coal
3 at any location within the State of Illinois irrespective of
4 the attainment status designation of such location; but shall
5 not include transportation costs of coal (i) except to the
6 extent that for contracts entered into on and after the
7 effective date of this amendatory Act of 1997, the cost of the
8 coal, including transportation costs, constitutes the lowest
9 cost for adequate and reliable fuel supply reasonably
10 available to the public utility in comparison to the cost,
11 including transportation costs, of other adequate and reliable
12 sources of fuel supply reasonably available to the public
13 utility, or (ii) except as otherwise provided in the next 3
14 sentences of this paragraph. Such costs of fuel shall, when
15 requested by a utility or at the conclusion of the utility's
16 next general electric rate proceeding, whichever shall first
17 occur, include transportation costs of coal purchased under
18 existing coal purchase contracts. For purposes of this
19 paragraph "existing coal purchase contracts" means contracts
20 for the purchase of coal in effect on the effective date of
21 this amendatory Act of 1991, as such contracts may thereafter
22 be amended, but only to the extent that any such amendment does
23 not increase the aggregate quantity of coal to be purchased
24 under such contract. Nothing herein shall authorize an
25 electric utility to recover through its fuel adjustment clause
26 any amounts of transportation costs of coal that were included

1 in the revenue requirement used to set base rates in its most
2 recent general rate proceeding. Cost shall be based upon
3 uniformly applied accounting principles. Annually, the
4 Commission shall initiate public hearings to determine whether
5 the clauses reflect actual costs of fuel, gas, power, or coal
6 transportation purchased to determine whether such purchases
7 were prudent, and to reconcile any amounts collected with the
8 actual costs of fuel, power, gas, or coal transportation
9 prudently purchased. In each such proceeding, the burden of
10 proof shall be upon the utility to establish the prudence of
11 its cost of fuel, power, gas, or coal transportation purchases
12 and costs. The Commission shall issue its final order in each
13 such annual proceeding for an electric utility by December 31
14 of the year immediately following the year to which the
15 proceeding pertains, provided, that the Commission shall issue
16 its final order with respect to such annual proceeding for the
17 years 1996 and earlier by December 31, 1998.

18 (b) A public utility providing electric service, other
19 than a public utility described in subsections (e) or (f) of
20 this Section, may at any time during the mandatory transition
21 period file with the Commission proposed tariff sheets that
22 eliminate the public utility's fuel adjustment clause and
23 adjust the public utility's base rate tariffs by the amount
24 necessary for the base fuel component of the base rates to
25 recover the public utility's average fuel and power supply
26 costs per kilowatt-hour for the 2 most recent years for which

1 the Commission has issued final orders in annual proceedings
2 pursuant to subsection (a), where the average fuel and power
3 supply costs per kilowatt-hour shall be calculated as the sum
4 of the public utility's prudent and allowable fuel and power
5 supply costs as found by the Commission in the 2 proceedings
6 divided by the public utility's actual jurisdictional
7 kilowatt-hour sales for those 2 years. Notwithstanding any
8 contrary or inconsistent provisions in Section 9-201 of this
9 Act, in subsection (a) of this Section or in any rules or
10 regulations promulgated by the Commission pursuant to
11 subsection (g) of this Section, the Commission shall review
12 and shall by order approve, or approve as modified, the
13 proposed tariff sheets within 60 days after the date of the
14 public utility's filing. The Commission may modify the public
15 utility's proposed tariff sheets only to the extent the
16 Commission finds necessary to achieve conformance to the
17 requirements of this subsection (b). During the 5 years
18 following the date of the Commission's order, but in any event
19 no earlier than January 1, 2007, a public utility whose fuel
20 adjustment clause has been eliminated pursuant to this
21 subsection shall not file proposed tariff sheets seeking, or
22 otherwise petition the Commission for, reinstatement of a fuel
23 adjustment clause.

24 (c) Notwithstanding any contrary or inconsistent
25 provisions in Section 9-201 of this Act, in subsection (a) of
26 this Section or in any rules or regulations promulgated by the

1 Commission pursuant to subsection (g) of this Section, a
2 public utility providing electric service, other than a public
3 utility described in subsection (e) or (f) of this Section,
4 may at any time during the mandatory transition period file
5 with the Commission proposed tariff sheets that establish the
6 rate per kilowatt-hour to be applied pursuant to the public
7 utility's fuel adjustment clause at the average value for such
8 rate during the preceding 24 months, provided that such
9 average rate results in a credit to customers' bills, without
10 making any revisions to the public utility's base rate
11 tariffs. The proposed tariff sheets shall establish the fuel
12 adjustment rate for a specific time period of at least 3 years
13 but not more than 5 years, provided that the terms and
14 conditions for any reinstatement earlier than 5 years shall be
15 set forth in the proposed tariff sheets and subject to
16 modification or approval by the Commission. The Commission
17 shall review and shall by order approve the proposed tariff
18 sheets if it finds that the requirements of this subsection
19 are met. The Commission shall not conduct the annual hearings
20 specified in the last 3 sentences of subsection (a) of this
21 Section for the utility for the period that the factor
22 established pursuant to this subsection is in effect.

23 (d) A public utility providing electric service, or a
24 public utility providing gas service may file with the
25 Commission proposed tariff sheets that eliminate the public
26 utility's fuel or purchased gas adjustment clause and adjust

1 the public utility's base rate tariffs to provide for recovery
2 of power supply costs or gas supply costs that would have been
3 recovered through such clause; provided, that the provisions
4 of this subsection (d) shall not be available to a public
5 utility described in subsections (e) or (f) of this Section to
6 eliminate its fuel adjustment clause. Notwithstanding any
7 contrary or inconsistent provisions in Section 9-201 of this
8 Act, in subsection (a) of this Section, or in any rules or
9 regulations promulgated by the Commission pursuant to
10 subsection (g) of this Section, the Commission shall review
11 and shall by order approve, or approve as modified in the
12 Commission's order, the proposed tariff sheets within 240 days
13 after the date of the public utility's filing. The
14 Commission's order shall approve rates and charges that the
15 Commission, based on information in the public utility's
16 filing or on the record if a hearing is held by the Commission,
17 finds will recover the reasonable, prudent and necessary
18 jurisdictional power supply costs or gas supply costs incurred
19 or to be incurred by the public utility during a 12 month
20 period found by the Commission to be appropriate for these
21 purposes, provided, that such period shall be either (i) a 12
22 month historical period occurring during the 15 months ending
23 on the date of the public utility's filing, or (ii) a 12 month
24 future period ending no later than 15 months following the
25 date of the public utility's filing. The public utility shall
26 include with its tariff filing information showing both (1)

1 its actual jurisdictional power supply costs or gas supply
2 costs for a 12 month historical period conforming to (i) above
3 and (2) its projected jurisdictional power supply costs or gas
4 supply costs for a future 12 month period conforming to (ii)
5 above. If the Commission's order requires modifications in the
6 tariff sheets filed by the public utility, the public utility
7 shall have 7 days following the date of the order to notify the
8 Commission whether the public utility will implement the
9 modified tariffs or elect to continue its fuel or purchased
10 gas adjustment clause in force as though no order had been
11 entered. The Commission's order shall provide for any
12 reconciliation of power supply costs or gas supply costs, as
13 the case may be, and associated revenues through the date that
14 the public utility's fuel or purchased gas adjustment clause
15 is eliminated. During the 5 years following the date of the
16 Commission's order, a public utility whose fuel or purchased
17 gas adjustment clause has been eliminated pursuant to this
18 subsection shall not file proposed tariff sheets seeking, or
19 otherwise petition the Commission for, reinstatement or
20 adoption of a fuel or purchased gas adjustment clause. Nothing
21 in this subsection (d) shall be construed as limiting the
22 Commission's authority to eliminate a public utility's fuel
23 adjustment clause or purchased gas adjustment clause in
24 accordance with any other applicable provisions of this Act.

25 (e) Notwithstanding any contrary or inconsistent
26 provisions in Section 9-201 of this Act, in subsection (a) of

1 this Section, or in any rules promulgated by the Commission
2 pursuant to subsection (g) of this Section, a public utility
3 providing electric service to more than 1,000,000 customers in
4 this State may, within the first 6 months after the effective
5 date of this amendatory Act of 1997, file with the Commission
6 proposed tariff sheets that eliminate, effective January 1,
7 1997, the public utility's fuel adjustment clause without
8 adjusting its base rates, and such tariff sheets shall be
9 effective upon filing. To the extent the application of the
10 fuel adjustment clause had resulted in net charges to
11 customers after January 1, 1997, the utility shall also file a
12 tariff sheet that provides for a refund stated on a per
13 kilowatt-hour basis of such charges over a period not to
14 exceed 6 months; provided however, that such refund shall not
15 include the proportional amounts of taxes paid under the Use
16 Tax Act, Service Use Tax Act, Service Occupation Tax Act, and
17 Retailers' Occupation Tax Act on fuel used in generation. The
18 Commission shall issue an order within 45 days after the date
19 of the public utility's filing approving or approving as
20 modified such tariff sheet. If the fuel adjustment clause is
21 eliminated pursuant to this subsection, the Commission shall
22 not conduct the annual hearings specified in the last 3
23 sentences of subsection (a) of this Section for the utility
24 for any period after December 31, 1996 and prior to any
25 reinstatement of such clause. A public utility whose fuel
26 adjustment clause has been eliminated pursuant to this

1 subsection shall not file a proposed tariff sheet seeking, or
2 otherwise petition the Commission for, reinstatement of the
3 fuel adjustment clause prior to January 1, 2007.

4 (f) Notwithstanding any contrary or inconsistent
5 provisions in Section 9-201 of this Act, in subsection (a) of
6 this Section, or in any rules or regulations promulgated by
7 the Commission pursuant to subsection (g) of this Section, a
8 public utility providing electric service to more than 500,000
9 customers but fewer than 1,000,000 customers in this State
10 may, within the first 6 months after the effective date of this
11 amendatory Act of 1997, file with the Commission proposed
12 tariff sheets that eliminate, effective January 1, 1997, the
13 public utility's fuel adjustment clause and adjust its base
14 rates by the amount necessary for the base fuel component of
15 the base rates to recover 91% of the public utility's average
16 fuel and power supply costs for the 2 most recent years for
17 which the Commission, as of January 1, 1997, has issued final
18 orders in annual proceedings pursuant to subsection (a), where
19 the average fuel and power supply costs per kilowatt-hour
20 shall be calculated as the sum of the public utility's prudent
21 and allowable fuel and power supply costs as found by the
22 Commission in the 2 proceedings divided by the public
23 utility's actual jurisdictional kilowatt-hour sales for those
24 2 years, provided, that such tariff sheets shall be effective
25 upon filing. To the extent the application of the fuel
26 adjustment clause had resulted in net charges to customers

1 after January 1, 1997, the utility shall also file a tariff
2 sheet that provides for a refund stated on a per kilowatt-hour
3 basis of such charges over a period not to exceed 6 months.
4 Provided however, that such refund shall not include the
5 proportional amounts of taxes paid under the Use Tax Act,
6 Service Use Tax Act, Service Occupation Tax Act, and
7 Retailers' Occupation Tax Act on fuel used in generation. The
8 Commission shall issue an order within 45 days after the date
9 of the public utility's filing approving or approving as
10 modified such tariff sheet. If the fuel adjustment clause is
11 eliminated pursuant to this subsection, the Commission shall
12 not conduct the annual hearings specified in the last 3
13 sentences of subsection (a) of this Section for the utility
14 for any period after December 31, 1996 and prior to any
15 reinstatement of such clause. A public utility whose fuel
16 adjustment clause has been eliminated pursuant to this
17 subsection shall not file a proposed tariff sheet seeking, or
18 otherwise petition the Commission for, reinstatement of the
19 fuel adjustment clause prior to January 1, 2007.

20 (g) The Commission shall have authority to promulgate
21 rules and regulations to carry out the provisions of this
22 Section.

23 (h) Any Illinois gas utility may enter into a contract on
24 or before September 30, 2011 for up to 10 years of supply with
25 any company for the purchase of substitute natural gas (SNG)
26 produced from coal through the gasification process if the

1 company has commenced construction of a clean coal SNG
2 facility by July 1, 2012 and commencement of construction
3 shall mean that material physical site work has occurred, such
4 as site clearing and excavation, water runoff prevention,
5 water retention reservoir preparation, or foundation
6 development. The contract shall contain the following
7 provisions: (i) at least 90% of feedstock to be used in the
8 gasification process shall be coal with a high volatile
9 bituminous rank and greater than 1.7 pounds of sulfur per
10 million Btu content; (ii) at the time the contract term
11 commences, the price per million Btu may not exceed \$7.95 in
12 2008 dollars, adjusted annually based on the change in the
13 Annual Consumer Price Index for All Urban Consumers for the
14 Midwest Region as published in April by the United States
15 Department of Labor, Bureau of Labor Statistics (or a suitable
16 Consumer Price Index calculation if this Consumer Price Index
17 is not available) for the previous calendar year; provided
18 that the price per million Btu shall not exceed \$9.95 at any
19 time during the contract; (iii) the utility's supply contract
20 for the purchase of SNG does not exceed 15% of the annual
21 system supply requirements of the utility as of 2008; and (iv)
22 the contract costs pursuant to subsection (h-10) of this
23 Section shall not include any lobbying expenses, charitable
24 contributions, advertising, organizational memberships,
25 carbon dioxide pipeline or sequestration expenses, or
26 marketing expenses.

1 Any gas utility that is providing service to more than
2 150,000 customers on August 2, 2011 (the effective date of
3 Public Act 97-239) shall either elect to enter into a contract
4 on or before September 30, 2011 for 10 years of SNG supply with
5 the owner of a clean coal SNG facility or to file biennial rate
6 proceedings before the Commission in the years 2012, 2014, and
7 2016, with such filings made after August 2, 2011 and no later
8 than September 30 of the years 2012, 2014, and 2016 consistent
9 with all requirements of 83 Ill. Adm. Code 255 and 285 as
10 though the gas utility were filing for an increase in its
11 rates, without regard to whether such filing would produce an
12 increase, a decrease, or no change in the gas utility's rates,
13 and the Commission shall review the gas utility's filing and
14 shall issue its order in accordance with the provisions of
15 Section 9-201 of this Act.

16 Within 7 days after August 2, 2011, the owner of the clean
17 coal SNG facility shall submit to the Illinois Power Agency
18 and each gas utility that is providing service to more than
19 150,000 customers on August 2, 2011 a copy of a draft contract.
20 Within 30 days after the receipt of the draft contract, each
21 such gas utility shall provide the Illinois Power Agency and
22 the owner of the clean coal SNG facility with its comments and
23 recommended revisions to the draft contract. Within 7 days
24 after the receipt of the gas utility's comments and
25 recommended revisions, the owner of the facility shall submit
26 its responsive comments and a further revised draft of the

1 contract to the Illinois Power Agency. The Illinois Power
2 Agency shall review the draft contract and comments.

3 During its review of the draft contract, the Illinois
4 Power Agency shall:

5 (1) review and confirm in writing that the terms
6 stated in this subsection (h) are incorporated in the SNG
7 contract;

8 (2) review the SNG pricing formula included in the
9 contract and approve that formula if the Illinois Power
10 Agency determines that the formula, at the time the
11 contract term commences: (A) starts with a price of \$6.50
12 per MMBtu adjusted by the adjusted final capitalized plant
13 cost; (B) takes into account budgeted miscellaneous net
14 revenue after cost allowance, including sale of SNG
15 produced by the clean coal SNG facility above the
16 nameplate capacity of the facility and other by-products
17 produced by the facility, as approved by the Illinois
18 Power Agency; (C) does not include carbon dioxide
19 transportation or sequestration expenses; and (D) includes
20 all provisions required under this subsection (h); if the
21 Illinois Power Agency does not approve of the SNG pricing
22 formula, then the Illinois Power Agency shall modify the
23 formula to ensure that it meets the requirements of this
24 subsection (h);

25 (3) review and approve the amount of budgeted
26 miscellaneous net revenue after cost allowance, including

1 sale of SNG produced by the clean coal SNG facility above
2 the nameplate capacity of the facility and other
3 by-products produced by the facility, to be included in
4 the pricing formula; the Illinois Power Agency shall
5 approve the amount of budgeted miscellaneous net revenue
6 to be included in the pricing formula if it determines the
7 budgeted amount to be reasonable and accurate;

8 (4) review and confirm in writing that using the EIA
9 Annual Energy Outlook-2011 Henry Hub Spot Price, the
10 contract terms set out in subsection (h), the
11 reconciliation account terms as set out in subsection
12 (h-15), and an estimated inflation rate of 2.5% for each
13 corresponding year, that there will be no cumulative
14 estimated increase for residential customers; and

15 (5) allocate the nameplate capacity of the clean coal
16 SNG by total therms sold to ultimate customers by each gas
17 utility in 2008; provided, however, no utility shall be
18 required to purchase more than 42% of the projected annual
19 output of the facility; additionally, the Illinois Power
20 Agency shall further adjust the allocation only as
21 required to take into account (A) adverse consolidation,
22 derivative, or lease impacts to the balance sheet or
23 income statement of any gas utility or (B) the physical
24 capacity of the gas utility to accept SNG.

25 If the parties to the contract do not agree on the terms
26 therein, then the Illinois Power Agency shall retain an

1 independent mediator to mediate the dispute between the
2 parties. If the parties are in agreement on the terms of the
3 contract, then the Illinois Power Agency shall approve the
4 contract. If after mediation the parties have failed to come
5 to agreement, then the Illinois Power Agency shall revise the
6 draft contract as necessary to confirm that the contract
7 contains only terms that are reasonable and equitable. The
8 Illinois Power Agency may, in its discretion, retain an
9 independent, qualified, and experienced expert to assist in
10 its obligations under this subsection (h). The Illinois Power
11 Agency shall adopt and make public policies detailing the
12 processes for retaining a mediator and an expert under this
13 subsection (h). Any mediator or expert retained under this
14 subsection (h) shall be retained no later than 60 days after
15 August 2, 2011.

16 The Illinois Power Agency shall complete all of its
17 responsibilities under this subsection (h) within 60 days
18 after August 2, 2011. The clean coal SNG facility shall pay a
19 reasonable fee as required by the Illinois Power Agency for
20 its services under this subsection (h) and shall pay the
21 mediator's and expert's reasonable fees, if any. A gas utility
22 and its customers shall have no obligation to reimburse the
23 clean coal SNG facility or the Illinois Power Agency of any
24 such costs.

25 Within 30 days after commercial production of SNG has
26 begun, the Commission shall initiate a review to determine

1 whether the final capitalized plant cost of the clean coal SNG
2 facility reflects actual incurred costs and whether the
3 incurred costs were reasonable. In determining the actual
4 incurred costs included in the final capitalized plant cost
5 and the reasonableness of those costs, the Commission may in
6 its discretion retain independent, qualified, and experienced
7 experts to assist in its determination. The expert shall not
8 own or control any direct or indirect interest in the clean
9 coal SNG facility and shall have no contractual relationship
10 with the clean coal SNG facility. If an expert is retained by
11 the Commission, then the clean coal SNG facility shall pay the
12 expert's reasonable fees. The fees shall not be passed on to a
13 utility or its customers. The Commission shall adopt and make
14 public a policy detailing the process for retaining experts
15 under this subsection (h).

16 Within 30 days after completion of its review, the
17 Commission shall initiate a formal proceeding on the final
18 capitalized plant cost of the clean coal SNG facility at which
19 comments and testimony may be submitted by any interested
20 parties and the public. If the Commission finds that the final
21 capitalized plant cost includes costs that were not actually
22 incurred or costs that were unreasonably incurred, then the
23 Commission shall disallow the amount of non-incurred or
24 unreasonable costs from the SNG price under contracts entered
25 into under this subsection (h). If the Commission disallows
26 any costs, then the Commission shall adjust the SNG price

1 using the price formula in the contract approved by the
2 Illinois Power Agency under this subsection (h) to reflect the
3 disallowed costs and shall enter an order specifying the
4 revised price. In addition, the Commission's order shall
5 direct the clean coal SNG facility to issue refunds of such
6 sums as shall represent the difference between actual gross
7 revenues and the gross revenue that would have been obtained
8 based upon the same volume, from the price revised by the
9 Commission. Any refund shall include interest calculated at a
10 rate determined by the Commission and shall be returned
11 according to procedures prescribed by the Commission.

12 Nothing in this subsection (h) shall preclude any party
13 affected by a decision of the Commission under this subsection
14 (h) from seeking judicial review of the Commission's decision.

15 (h-1) Any Illinois gas utility may enter into a sourcing
16 agreement for up to 30 years of supply with the clean coal SNG
17 brownfield facility if the clean coal SNG brownfield facility
18 has commenced construction. Any gas utility that is providing
19 service to more than 150,000 customers on July 13, 2011 (the
20 effective date of Public Act 97-096) shall either elect to
21 file biennial rate proceedings before the Commission in the
22 years 2012, 2014, and 2016 or enter into a sourcing agreement
23 or sourcing agreements with a clean coal SNG brownfield
24 facility with an initial term of 30 years for either (i) a
25 percentage of 43,500,000,000 cubic feet per year, such that
26 the utilities entering into sourcing agreements with the clean

1 coal SNG brownfield facility purchase 100%, allocated by total
2 therms sold to ultimate customers by each gas utility in 2008
3 or (ii) such lesser amount as may be available from the clean
4 coal SNG brownfield facility; provided that no utility shall
5 be required to purchase more than 42% of the projected annual
6 output of the clean coal SNG brownfield facility, with the
7 remainder of such utility's obligation to be divided
8 proportionately between the other utilities, and provided that
9 the Illinois Power Agency shall further adjust the allocation
10 only as required to take into account adverse consolidation,
11 derivative, or lease impacts to the balance sheet or income
12 statement of any gas utility.

13 A gas utility electing to file biennial rate proceedings
14 before the Commission must file a notice of its election with
15 the Commission within 60 days after July 13, 2011 or its right
16 to make the election is irrevocably waived. A gas utility
17 electing to file biennial rate proceedings shall make such
18 filings no later than August 1 of the years 2012, 2014, and
19 2016, consistent with all requirements of 83 Ill. Adm. Code
20 255 and 285 as though the gas utility were filing for an
21 increase in its rates, without regard to whether such filing
22 would produce an increase, a decrease, or no change in the gas
23 utility's rates, and notwithstanding any other provisions of
24 this Act, the Commission shall fully review the gas utility's
25 filing and shall issue its order in accordance with the
26 provisions of Section 9-201 of this Act, regardless of whether

1 the Commission has approved a formula rate for the gas
2 utility.

3 Within 15 days after July 13, 2011, the owner of the clean
4 coal SNG brownfield facility shall submit to the Illinois
5 Power Agency and each gas utility that is providing service to
6 more than 150,000 customers on July 13, 2011 a copy of a draft
7 sourcing agreement. Within 45 days after receipt of the draft
8 sourcing agreement, each such gas utility shall provide the
9 Illinois Power Agency and the owner of a clean coal SNG
10 brownfield facility with its comments and recommended
11 revisions to the draft sourcing agreement. Within 15 days
12 after the receipt of the gas utility's comments and
13 recommended revisions, the owner of the clean coal SNG
14 brownfield facility shall submit its responsive comments and a
15 further revised draft of the sourcing agreement to the
16 Illinois Power Agency. The Illinois Power Agency shall review
17 the draft sourcing agreement and comments.

18 If the parties to the sourcing agreement do not agree on
19 the terms therein, then the Illinois Power Agency shall retain
20 an independent mediator to mediate the dispute between the
21 parties. If the parties are in agreement on the terms of the
22 sourcing agreement, the Illinois Power Agency shall approve
23 the final draft sourcing agreement. If after mediation the
24 parties have failed to come to agreement, then the Illinois
25 Power Agency shall revise the draft sourcing agreement as
26 necessary to confirm that the final draft sourcing agreement

1 contains only terms that are reasonable and equitable. The
2 Illinois Power Agency shall adopt and make public a policy
3 detailing the process for retaining a mediator under this
4 subsection (h-1). Any mediator retained to assist with
5 mediating disputes between the parties regarding the sourcing
6 agreement shall be retained no later than 60 days after July
7 13, 2011.

8 Upon approval of a final draft agreement, the Illinois
9 Power Agency shall submit the final draft agreement to the
10 Capital Development Board and the Commission no later than 90
11 days after July 13, 2011. The gas utility and the clean coal
12 SNG brownfield facility shall pay a reasonable fee as required
13 by the Illinois Power Agency for its services under this
14 subsection (h-1) and shall pay the mediator's reasonable fees,
15 if any. The Illinois Power Agency shall adopt and make public a
16 policy detailing the process for retaining a mediator under
17 this Section.

18 The sourcing agreement between a gas utility and the clean
19 coal SNG brownfield facility shall contain the following
20 provisions:

21 (1) Any and all coal used in the gasification process
22 must be coal that has high volatile bituminous rank and
23 greater than 1.7 pounds of sulfur per million Btu content.

24 (2) Coal and petroleum coke are feedstocks for the
25 gasification process, with coal comprising at least 50% of
26 the total feedstock over the term of the sourcing

1 agreement unless the facility reasonably determines that
2 it is necessary to use additional petroleum coke to
3 deliver net consumer savings, in which case the facility
4 shall use coal for at least 35% of the total feedstock over
5 the term of any sourcing agreement and with the feedstocks
6 to be procured in accordance with requirements of Section
7 1-78 of the Illinois Power Agency Act.

8 (3) The sourcing agreement has an initial term that
9 once entered into terminates no more than 30 years after
10 the commencement of the commercial production of SNG at
11 the clean coal SNG brownfield facility.

12 (4) The clean coal SNG brownfield facility guarantees
13 a minimum of \$100,000,000 in consumer savings to customers
14 of the utilities that have entered into sourcing
15 agreements with the clean coal SNG brownfield facility,
16 calculated in real 2010 dollars at the conclusion of the
17 term of the sourcing agreement by comparing the delivered
18 SNG price to the Chicago City-gate price on a weighted
19 daily basis for each day over the entire term of the
20 sourcing agreement, to be provided in accordance with
21 subsection (h-2) of this Section.

22 (5) Prior to the clean coal SNG brownfield facility
23 issuing a notice to proceed to construction, the clean
24 coal SNG brownfield facility shall establish a consumer
25 protection reserve account for the benefit of the
26 customers of the utilities that have entered into sourcing

1 agreements with the clean coal SNG brownfield facility
2 pursuant to this subsection (h-1), with cash principal in
3 the amount of \$150,000,000. This cash principal shall only
4 be recoverable through the consumer protection reserve
5 account and not as a cost to be recovered in the delivered
6 SNG price pursuant to subsection (h-3) of this Section.
7 The consumer protection reserve account shall be
8 maintained and administered by an independent trustee that
9 is mutually agreed upon by the clean coal SNG brownfield
10 facility, the utilities, and the Commission in an
11 interest-bearing account in accordance with subsection
12 (h-2) of this Section.

13 "Consumer protection reserve account principal maximum
14 amount" shall mean the maximum amount of principal to be
15 maintained in the consumer protection reserve account.
16 During the first 2 years of operation of the facility,
17 there shall be no consumer protection reserve account
18 maximum amount. After the first 2 years of operation of
19 the facility, the consumer protection reserve account
20 maximum amount shall be \$150,000,000. After 5 years of
21 operation, and every 5 years thereafter, the trustee shall
22 calculate the 5-year average balance of the consumer
23 protection reserve account. If the trustee determines that
24 during the prior 5 years the consumer protection reserve
25 account has had an average account balance of less than
26 \$75,000,000, then the consumer protection reserve account

1 principal maximum amount shall be increased by \$5,000,000.
2 If the trustee determines that during the prior 5 years
3 the consumer protection reserve account has had an average
4 account balance of more than \$75,000,000, then the
5 consumer protection reserve account principal maximum
6 amount shall be decreased by \$5,000,000.

7 (6) The clean coal SNG brownfield facility shall
8 identify and sell economically viable by-products produced
9 by the facility.

10 (7) Fifty percent of all additional net revenue,
11 defined as miscellaneous net revenue from products
12 produced by the facility and delivered during the month
13 after cost allowance for costs associated with additional
14 net revenue that are not otherwise recoverable pursuant to
15 subsection (h-3) of this Section, including net revenue
16 from sales of substitute natural gas derived from the
17 facility above the nameplate capacity of the facility and
18 other by-products produced by the facility, shall be
19 credited to the consumer protection reserve account
20 pursuant to subsection (h-2) of this Section.

21 (8) The delivered SNG price per million btu to be paid
22 monthly by the utility to the clean coal SNG brownfield
23 facility, which shall be based only upon the following:
24 (A) a capital recovery charge, operations and maintenance
25 costs, and sequestration costs, only to the extent
26 approved by the Commission pursuant to paragraphs (1),

1 (2), and (3) of subsection (h-3) of this Section; (B) the
2 actual delivered and processed fuel costs pursuant to
3 paragraph (4) of subsection (h-3) of this Section; (C)
4 actual costs of SNG transportation pursuant to paragraph
5 (6) of subsection (h-3) of this Section; (D) certain taxes
6 and fees imposed by the federal government, the State, or
7 any unit of local government as provided in paragraph (6)
8 of subsection (h-3) of this Section; and (E) the credit,
9 if any, from the consumer protection reserve account
10 pursuant to subsection (h-2) of this Section. The
11 delivered SNG price per million Btu shall proportionately
12 reflect these elements over the term of the sourcing
13 agreement.

14 (9) A formula to translate the recoverable costs and
15 charges under subsection (h-3) of this Section into the
16 delivered SNG price per million btu.

17 (10) Title to the SNG shall pass at a mutually
18 agreeable point in Illinois, and may provide that, rather
19 than the utility taking title to the SNG, a mutually
20 agreed upon third-party gas marketer pursuant to a
21 contract approved by the Illinois Power Agency or its
22 designee may take title to the SNG pursuant to an
23 agreement between the utility, the owner of the clean coal
24 SNG brownfield facility, and the third-party gas marketer.

25 (11) A utility may exit the sourcing agreement without
26 penalty if the clean coal SNG brownfield facility does not

1 commence construction by July 1, 2015.

2 (12) A utility is responsible to pay only the
3 Commission determined unit price cost of SNG that is
4 purchased by the utility. Nothing in the sourcing
5 agreement will obligate a utility to invest capital in a
6 clean coal SNG brownfield facility.

7 (13) The quality of SNG must, at a minimum, be
8 equivalent to the quality required for interstate pipeline
9 gas before a utility is required to accept and pay for SNG
10 gas.

11 (14) Nothing in the sourcing agreement will require a
12 utility to construct any facilities to accept delivery of
13 SNG. Provided, however, if a utility is required by law or
14 otherwise elects to connect the clean coal SNG brownfield
15 facility to an interstate pipeline, then the utility shall
16 be entitled to recover pursuant to its tariffs all just
17 and reasonable costs that are prudently incurred. Any
18 costs incurred by the utility to receive, deliver, manage,
19 or otherwise accommodate purchases under the SNG sourcing
20 agreement will be fully recoverable through a utility's
21 purchased gas adjustment clause rider mechanism in
22 conjunction with a SNG brownfield facility rider
23 mechanism. The SNG brownfield facility rider mechanism (A)
24 shall be applicable to all customers who receive
25 transportation service from the utility, (B) shall be
26 designed to have an equal percent impact on the

1 transportation services rates of each class of the
2 utility's customers, and (C) shall accurately reflect the
3 net consumer savings, if any, and above-market costs, if
4 any, associated with the utility receiving, delivering,
5 managing, or otherwise accommodating purchases under the
6 SNG sourcing agreement.

7 (15) Remedies for the clean coal SNG brownfield
8 facility's failure to deliver a designated amount for a
9 designated period.

10 (16) The clean coal SNG brownfield facility shall make
11 a good faith effort to ensure that an amount equal to not
12 less than 15% of the value of its prime construction
13 contract for the facility shall be established as a goal
14 to be awarded to minority-owned businesses, women-owned
15 businesses, veteran-owned businesses, and businesses owned
16 by a person with a disability; provided that at least 75%
17 of the amount of such total goal shall be for
18 minority-owned businesses. "Minority-owned business",
19 "women-owned business", "veteran-owned businesses", and
20 "business owned by a person with a disability" shall have
21 the meanings ascribed to them in Section 2 of the Business
22 Enterprise for Minorities, Women, Veterans, and Persons
23 with Disabilities Act.

24 (17) Prior to the clean coal SNG brownfield facility
25 issuing a notice to proceed to construction, the clean
26 coal SNG brownfield facility shall file with the

1 Commission a certificate from an independent engineer that
2 the clean coal SNG brownfield facility has (A) obtained
3 all applicable State and federal environmental permits
4 required for construction; (B) obtained approval from the
5 Commission of a carbon capture and sequestration plan; and
6 (C) obtained all necessary permits required for
7 construction for the transportation and sequestration of
8 carbon dioxide as set forth in the Commission-approved
9 carbon capture and sequestration plan.

10 (h-2) Consumer protection reserve account. The clean coal
11 SNG brownfield facility shall guarantee a minimum of
12 \$100,000,000 in consumer savings to customers of the utilities
13 that have entered into sourcing agreements with the clean coal
14 SNG brownfield facility, calculated in real 2010 dollars at
15 the conclusion of the term of the sourcing agreement by
16 comparing the delivered SNG price to the Chicago City-gate
17 price on a weighted daily basis for each day over the entire
18 term of the sourcing agreement. Prior to the clean coal SNG
19 brownfield facility issuing a notice to proceed to
20 construction, the clean coal SNG brownfield facility shall
21 establish a consumer protection reserve account for the
22 benefit of the retail customers of the utilities that have
23 entered into sourcing agreements with the clean coal SNG
24 brownfield facility pursuant to subsection (h-1), with cash
25 principal in the amount of \$150,000,000. Such cash principal
26 shall only be recovered through the consumer protection

1 reserve account and not as a cost to be recovered in the
2 delivered SNG price pursuant to subsection (h-3) of this
3 Section. The consumer protection reserve account shall be
4 maintained and administered by an independent trustee that is
5 mutually agreed upon by the clean coal SNG brownfield
6 facility, the utilities, and the Commission in an
7 interest-bearing account in accordance with the following:

8 (1) The clean coal SNG brownfield facility monthly
9 shall calculate (A) the difference between the monthly
10 delivered SNG price and the Chicago City-gate price, by
11 comparing the delivered SNG price, which shall include the
12 cost of transportation to the delivery point, if any, to
13 the Chicago City-gate price on a weighted daily basis for
14 each day of the prior month based upon a mutually agreed
15 upon published index and (B) the overage amount, if any,
16 by calculating the annualized incremental additional cost,
17 if any, of the delivered SNG in excess of 2.015% of the
18 average annual inflation-adjusted amounts paid by all gas
19 distribution customers in connection with natural gas
20 service during the 5 years ending May 31, 2010.

21 (2) During the first 2 years of operation of the
22 facility:

23 (A) to the extent there is an overage amount, the
24 consumer protection reserve account shall be used to
25 provide a credit to reduce the SNG price by an amount
26 equal to the overage amount; and

1 (B) to the extent the monthly delivered SNG price
2 is less than or equal to the Chicago City-gate price,
3 the utility shall credit the difference between the
4 monthly delivered SNG price and the monthly Chicago
5 City-gate price, if any, to the consumer protection
6 reserve account. Such credit issued pursuant to this
7 paragraph (B) shall be deemed prudent and reasonable
8 and not subject to a Commission prudence review;

9 (3) After 2 years of operation of the facility, and
10 monthly, on an on-going basis, thereafter:

11 (A) to the extent that the monthly delivered SNG
12 price is less than or equal to the Chicago City-gate
13 price, calculated using the weighted average of the
14 daily Chicago City-gate price on a daily basis over
15 the entire month, the utility shall credit the
16 difference, if any, to the consumer protection reserve
17 account. Such credit issued pursuant to this
18 subparagraph (A) shall be deemed prudent and
19 reasonable and not subject to a Commission prudence
20 review;

21 (B) any amounts in the consumer protection reserve
22 account in excess of the consumer protection reserve
23 account principal maximum amount shall be distributed
24 as follows: (i) if retail customers have not realized
25 net consumer savings, calculated by comparing the
26 delivered SNG price to the weighted average of the

1 daily Chicago City-gate price on a daily basis over
2 the entire term of the sourcing agreement to date,
3 then 50% of any amounts in the consumer protection
4 reserve account in excess of the consumer protection
5 reserve account principal maximum shall be distributed
6 to the clean coal SNG brownfield facility, with the
7 remaining 50% of any such additional amounts being
8 credited to retail customers, and (ii) if retail
9 customers have realized net consumer savings, then
10 100% of any amounts in the consumer protection reserve
11 account in excess of the consumer protection reserve
12 account principal maximum shall be distributed to the
13 clean coal SNG brownfield facility; provided, however,
14 that under no circumstances shall the total cumulative
15 amount distributed to the clean coal SNG brownfield
16 facility under this subparagraph (B) exceed
17 \$150,000,000;

18 (C) to the extent there is an overage amount,
19 after distributing the amounts pursuant to
20 subparagraph (B) of this paragraph (3), if any, the
21 consumer protection reserve account shall be used to
22 provide a credit to reduce the SNG price by an amount
23 equal to the overage amount;

24 (D) if retail customers have realized net consumer
25 savings, calculated by comparing the delivered SNG
26 price to the weighted average of the daily Chicago

1 City-gate price on a daily basis over the entire term
2 of the sourcing agreement to date, then after
3 distributing the amounts pursuant to subparagraphs (B)
4 and (C) of this paragraph (3), 50% of any additional
5 amounts in the consumer protection reserve account in
6 excess of the consumer protection reserve account
7 principal maximum shall be distributed to the clean
8 coal SNG brownfield facility, with the remaining 50%
9 of any such additional amounts being credited to
10 retail customers; provided, however, that if retail
11 customers have not realized such net consumer savings,
12 no such distribution shall be made to the clean coal
13 SNG brownfield facility, and 100% of such additional
14 amounts shall be credited to the retail customers to
15 the extent the consumer protection reserve account
16 exceeds the consumer protection reserve account
17 principal maximum amount.

18 (4) Fifty percent of all additional net revenue,
19 defined as miscellaneous net revenue after cost allowance
20 for costs associated with additional net revenue that are
21 not otherwise recoverable pursuant to subsection (h-3) of
22 this Section, including net revenue from sales of
23 substitute natural gas derived from the facility above the
24 nameplate capacity of the facility and other by-products
25 produced by the facility, shall be credited to the
26 consumer protection reserve account.

1 (5) At the conclusion of the term of the sourcing
2 agreement, to the extent retail customers have not saved
3 the minimum of \$100,000,000 in consumer savings as
4 guaranteed in this subsection (h-2), amounts in the
5 consumer protection reserve account shall be credited to
6 retail customers to the extent the retail customers have
7 saved the minimum of \$100,000,000; 50% of any additional
8 amounts in the consumer protection reserve account shall
9 be distributed to the company, and the remaining 50% shall
10 be distributed to retail customers.

11 (6) If, at the conclusion of the term of the sourcing
12 agreement, the customers have not saved the minimum
13 \$100,000,000 in savings as guaranteed in this subsection
14 (h-2) and the consumer protection reserve account has been
15 depleted, then the clean coal SNG brownfield facility
16 shall be liable for any remaining amount owed to the
17 retail customers to the extent that the customers are
18 provided with the \$100,000,000 in savings as guaranteed in
19 this subsection (h-2). The retail customers shall have
20 first priority in recovering that debt above any
21 creditors, except the original senior secured lender to
22 the extent that the original senior secured lender has any
23 senior secured debt outstanding, including any clean coal
24 SNG brownfield facility parent companies or affiliates.

25 (7) The clean coal SNG brownfield facility, the
26 utilities, and the trustee shall work together to take

1 commercially reasonable steps to minimize the tax impact
2 of these transactions, while preserving the consumer
3 benefits.

4 (8) The clean coal SNG brownfield facility shall each
5 month, starting in the facility's first year of commercial
6 operation, file with the Commission, in such form as the
7 Commission shall require, a report as to the consumer
8 protection reserve account. The monthly report must
9 contain the following information:

10 (A) the extent the monthly delivered SNG price is
11 greater than, less than, or equal to the Chicago
12 City-gate price;

13 (B) the amount credited or debited to the consumer
14 protection reserve account during the month;

15 (C) the amounts credited to consumers and
16 distributed to the clean coal SNG brownfield facility
17 during the month;

18 (D) the total amount of the consumer protection
19 reserve account at the beginning and end of the month;

20 (E) the total amount of consumer savings to date;

21 (F) a confidential summary of the inputs used to
22 calculate the additional net revenue; and

23 (G) any other additional information the
24 Commission shall require.

25 When any report is erroneous or defective or appears
26 to the Commission to be erroneous or defective, the

1 Commission may notify the clean coal SNG brownfield
2 facility to amend the report within 30 days, and, before
3 or after the termination of the 30-day period, the
4 Commission may examine the trustee of the consumer
5 protection reserve account or the officers, agents,
6 employees, books, records, or accounts of the clean coal
7 SNG brownfield facility and correct such items in the
8 report as upon such examination the Commission may find
9 defective or erroneous. All reports shall be under oath.

10 All reports made to the Commission by the clean coal
11 SNG brownfield facility and the contents of the reports
12 shall be open to public inspection and shall be deemed a
13 public record under the Freedom of Information Act. Such
14 reports shall be preserved in the office of the
15 Commission. The Commission shall publish an annual summary
16 of the reports prior to February 1 of the following year.
17 The annual summary shall be made available to the public
18 on the Commission's website and shall be submitted to the
19 General Assembly.

20 Any facility that fails to file a report required
21 under this paragraph (8) to the Commission within the time
22 specified or to make specific answer to any question
23 propounded by the Commission within 30 days from the time
24 it is lawfully required to do so, or within such further
25 time not to exceed 90 days as may in its discretion be
26 allowed by the Commission, shall pay a penalty of \$500 to

1 the Commission for each day it is in default.

2 Any person who willfully makes any false report to the
3 Commission or to any member, officer, or employee thereof,
4 any person who willfully in a report withholds or fails to
5 provide material information to which the Commission is
6 entitled under this paragraph (8) and which information is
7 either required to be filed by statute, rule, regulation,
8 order, or decision of the Commission or has been requested
9 by the Commission, and any person who willfully aids or
10 abets such person shall be guilty of a Class A
11 misdemeanor.

12 (h-3) Recoverable costs and revenue by the clean coal SNG
13 brownfield facility.

14 (1) A capital recovery charge approved by the
15 Commission shall be recoverable by the clean coal SNG
16 brownfield facility under a sourcing agreement. The
17 capital recovery charge shall be comprised of capital
18 costs and a reasonable rate of return. "Capital costs"
19 means costs to be incurred in connection with the
20 construction and development of a facility, as defined in
21 Section 1-10 of the Illinois Power Agency Act, and such
22 other costs as the Capital Development Board deems
23 appropriate to be recovered in the capital recovery
24 charge.

25 (A) Capital costs. The Capital Development Board
26 shall calculate a range of capital costs that it

1 believes would be reasonable for the clean coal SNG
2 brownfield facility to recover under the sourcing
3 agreement. In making this determination, the Capital
4 Development Board shall review the facility cost
5 report, if any, of the clean coal SNG brownfield
6 facility, adjusting the results based on the change in
7 the Annual Consumer Price Index for All Urban
8 Consumers for the Midwest Region as published in April
9 by the United States Department of Labor, Bureau of
10 Labor Statistics, the final draft of the sourcing
11 agreement, and the rate of return approved by the
12 Commission. In addition, the Capital Development Board
13 may consult as much as it deems necessary with the
14 clean coal SNG brownfield facility and conduct
15 whatever research and investigation it deems
16 necessary.

17 The Capital Development Board shall retain an
18 engineering expert to assist in determining both the
19 range of capital costs and the range of operations and
20 maintenance costs that it believes would be reasonable
21 for the clean coal SNG brownfield facility to recover
22 under the sourcing agreement. Provided, however, that
23 such expert shall: (i) not have been involved in the
24 clean coal SNG brownfield facility's facility cost
25 report, if any, (ii) not own or control any direct or
26 indirect interest in the initial clean coal facility,

1 and (iii) have no contractual relationship with the
2 clean coal SNG brownfield facility. In order to
3 qualify as an independent expert, a person or company
4 must have:

5 (i) direct previous experience conducting
6 front-end engineering and design studies for
7 large-scale energy facilities and administering
8 large-scale energy operations and maintenance
9 contracts, which may be particularized to the
10 specific type of financing associated with the
11 clean coal SNG brownfield facility;

12 (ii) an advanced degree in economics,
13 mathematics, engineering, or a related area of
14 study;

15 (iii) ten years of experience in the energy
16 sector, including construction and risk management
17 experience;

18 (iv) expertise in assisting companies with
19 obtaining financing for large-scale energy
20 projects, which may be particularized to the
21 specific type of financing associated with the
22 clean coal SNG brownfield facility;

23 (v) expertise in operations and maintenance
24 which may be particularized to the specific type
25 of operations and maintenance associated with the
26 clean coal SNG brownfield facility;

1 (vi) expertise in credit and contract
2 protocols;

3 (vii) adequate resources to perform and
4 fulfill the required functions and
5 responsibilities; and

6 (viii) the absence of a conflict of interest
7 and inappropriate bias for or against an affected
8 gas utility or the clean coal SNG brownfield
9 facility.

10 The clean coal SNG brownfield facility and the
11 Illinois Power Agency shall cooperate with the Capital
12 Development Board in any investigation it deems
13 necessary. The Capital Development Board shall make
14 its final determination of the range of capital costs
15 confidentially and shall submit that range to the
16 Commission in a confidential filing within 120 days
17 after July 13, 2011 (the effective date of Public Act
18 97-096). The clean coal SNG brownfield facility shall
19 submit to the Commission its estimate of the capital
20 costs to be recovered under the sourcing agreement.
21 Only after the clean coal SNG brownfield facility has
22 submitted this estimate shall the Commission publicly
23 announce the range of capital costs submitted by the
24 Capital Development Board.

25 In the event that the estimate submitted by the
26 clean coal SNG brownfield facility is within or below

1 the range submitted by the Capital Development Board,
2 the clean coal SNG brownfield facility's estimate
3 shall be approved by the Commission as the amount of
4 capital costs to be recovered under the sourcing
5 agreement. In the event that the estimate submitted by
6 the clean coal SNG brownfield facility is above the
7 range submitted by the Capital Development Board, the
8 amount of capital costs at the lowest end of the range
9 submitted by the Capital Development Board shall be
10 approved by the Commission as the amount of capital
11 costs to be recovered under the sourcing agreement.
12 Within 15 days after the Capital Development Board has
13 submitted its range and the clean coal SNG brownfield
14 facility has submitted its estimate, the Commission
15 shall approve the capital costs for the clean coal SNG
16 brownfield facility.

17 The Capital Development Board shall monitor the
18 construction of the clean coal SNG brownfield facility
19 for the full duration of construction to assess
20 potential cost overruns. The Capital Development
21 Board, in its discretion, may retain an expert to
22 facilitate such monitoring. The clean coal SNG
23 brownfield facility shall pay a reasonable fee as
24 required by the Capital Development Board for the
25 Capital Development Board's services under this
26 subsection (h-3) to be deposited into the Capital

1 Development Board Revolving Fund, and such fee shall
2 not be passed through to a utility or its customers. If
3 an expert is retained by the Capital Development Board
4 for monitoring of construction, then the clean coal
5 SNG brownfield facility must pay for the expert's
6 reasonable fees and such costs shall not be passed
7 through to a utility or its customers.

8 (B) Rate of Return. No later than 30 days after the
9 date on which the Illinois Power Agency submits a
10 final draft sourcing agreement, the Commission shall
11 hold a public hearing to determine the rate of return
12 to be recovered under the sourcing agreement. Rate of
13 return shall be comprised of the clean coal SNG
14 brownfield facility's actual cost of debt, including
15 mortgage-style amortization, and a reasonable return
16 on equity. The Commission shall post notice of the
17 hearing on its website no later than 10 days prior to
18 the date of the hearing. The Commission shall provide
19 the public and all interested parties, including the
20 gas utilities, the Attorney General, and the Illinois
21 Power Agency, an opportunity to be heard.

22 In determining the return on equity, the
23 Commission shall select a commercially reasonable
24 return on equity taking into account the return on
25 equity being received by developers of similar
26 facilities in or outside of Illinois, the need to

1 balance an incentive for clean-coal technology with
2 the need to protect ratepayers from high gas prices,
3 the risks being borne by the clean coal SNG brownfield
4 facility in the final draft sourcing agreement, and
5 any other information that the Commission may deem
6 relevant. The Commission may establish a return on
7 equity that varies with the amount of savings, if any,
8 to customers during the term of the sourcing
9 agreement, comparing the delivered SNG price to a
10 daily weighted average price of natural gas, based
11 upon an index. The Illinois Power Agency shall
12 recommend a return on equity to the Commission using
13 the same criteria. Within 60 days after receiving the
14 final draft sourcing agreement from the Illinois Power
15 Agency, the Commission shall approve the rate of
16 return for the clean coal brownfield facility. Within
17 30 days after obtaining debt financing for the clean
18 coal SNG brownfield facility, the clean coal SNG
19 brownfield facility shall file a notice with the
20 Commission identifying the actual cost of debt.

21 (2) Operations and maintenance costs approved by the
22 Commission shall be recoverable by the clean coal SNG
23 brownfield facility under the sourcing agreement. The
24 operations and maintenance costs mean costs that have been
25 incurred for the administration, supervision, operation,
26 maintenance, preservation, and protection of the clean

1 coal SNG brownfield facility's physical plant.

2 The Capital Development Board shall calculate a range
3 of operations and maintenance costs that it believes would
4 be reasonable for the clean coal SNG brownfield facility
5 to recover under the sourcing agreement, incorporating an
6 inflation index or combination of inflation indices to
7 most accurately reflect the actual costs of operating the
8 clean coal SNG brownfield facility. In making this
9 determination, the Capital Development Board shall review
10 the facility cost report, if any, of the clean coal SNG
11 brownfield facility, adjusting the results for inflation
12 based on the change in the Annual Consumer Price Index for
13 All Urban Consumers for the Midwest Region as published in
14 April by the United States Department of Labor, Bureau of
15 Labor Statistics, the final draft of the sourcing
16 agreement, and the rate of return approved by the
17 Commission. In addition, the Capital Development Board may
18 consult as much as it deems necessary with the clean coal
19 SNG brownfield facility and conduct whatever research and
20 investigation it deems necessary. As set forth in
21 subparagraph (A) of paragraph (1) of this subsection
22 (h-3), the Capital Development Board shall retain an
23 independent engineering expert to assist in determining
24 both the range of operations and maintenance costs that it
25 believes would be reasonable for the clean coal SNG
26 brownfield facility to recover under the sourcing

1 agreement. The clean coal SNG brownfield facility and the
2 Illinois Power Agency shall cooperate with the Capital
3 Development Board in any investigation it deems necessary.
4 The Capital Development Board shall make its final
5 determination of the range of operations and maintenance
6 costs confidentially and shall submit that range to the
7 Commission in a confidential filing within 120 days after
8 July 13, 2011.

9 The clean coal SNG brownfield facility shall submit to
10 the Commission its estimate of the operations and
11 maintenance costs to be recovered under the sourcing
12 agreement. Only after the clean coal SNG brownfield
13 facility has submitted this estimate shall the Commission
14 publicly announce the range of operations and maintenance
15 costs submitted by the Capital Development Board. In the
16 event that the estimate submitted by the clean coal SNG
17 brownfield facility is within or below the range submitted
18 by the Capital Development Board, the clean coal SNG
19 brownfield facility's estimate shall be approved by the
20 Commission as the amount of operations and maintenance
21 costs to be recovered under the sourcing agreement. In the
22 event that the estimate submitted by the clean coal SNG
23 brownfield facility is above the range submitted by the
24 Capital Development Board, the amount of operations and
25 maintenance costs at the lowest end of the range submitted
26 by the Capital Development Board shall be approved by the

1 Commission as the amount of operations and maintenance
2 costs to be recovered under the sourcing agreement. Within
3 15 days after the Capital Development Board has submitted
4 its range and the clean coal SNG brownfield facility has
5 submitted its estimate, the Commission shall approve the
6 operations and maintenance costs for the clean coal SNG
7 brownfield facility.

8 The clean coal SNG brownfield facility shall pay for
9 the independent engineering expert's reasonable fees and
10 such costs shall not be passed through to a utility or its
11 customers. The clean coal SNG brownfield facility shall
12 pay a reasonable fee as required by the Capital
13 Development Board for the Capital Development Board's
14 services under this subsection (h-3) to be deposited into
15 the Capital Development Board Revolving Fund, and such fee
16 shall not be passed through to a utility or its customers.

17 (3) Sequestration costs approved by the Commission
18 shall be recoverable by the clean coal SNG brownfield
19 facility. "Sequestration costs" means costs to be incurred
20 by the clean coal SNG brownfield facility in accordance
21 with its Commission-approved carbon capture and
22 sequestration plan to:

23 (A) capture carbon dioxide;

24 (B) build, operate, and maintain a sequestration
25 site in which carbon dioxide may be injected;

26 (C) build, operate, and maintain a carbon dioxide

1 pipeline; and

2 (D) transport the carbon dioxide to the
3 sequestration site or a pipeline.

4 The Commission shall assess the prudence of the
5 sequestration costs for the clean coal SNG brownfield
6 facility before construction commences at the
7 sequestration site or pipeline. Any revenues the clean
8 coal SNG brownfield facility receives as a result of the
9 capture, transportation, or sequestration of carbon
10 dioxide shall be first credited against all sequestration
11 costs, with the positive balance, if any, treated as
12 additional net revenue.

13 The Commission may, in its discretion, retain an
14 expert to assist in its review of sequestration costs. The
15 clean coal SNG brownfield facility shall pay for the
16 expert's reasonable fees if an expert is retained by the
17 Commission, and such costs shall not be passed through to
18 a utility or its customers. Once made, the Commission's
19 determination of the amount of recoverable sequestration
20 costs shall not be increased unless the clean coal SNG
21 brownfield facility can show by clear and convincing
22 evidence that (i) the costs were not reasonably
23 foreseeable; (ii) the costs were due to circumstances
24 beyond the clean coal SNG brownfield facility's control;
25 and (iii) the clean coal SNG brownfield facility took all
26 reasonable steps to mitigate the costs. If the Commission

1 determines that sequestration costs may be increased, the
2 Commission shall provide for notice and a public hearing
3 for approval of the increased sequestration costs.

4 (4) Actual delivered and processed fuel costs shall be
5 set by the Illinois Power Agency through a SNG feedstock
6 procurement, pursuant to Sections 1-20, 1-77, and 1-78 of
7 the Illinois Power Agency Act, to be performed at least
8 every 5 years and purchased by the clean coal SNG
9 brownfield facility pursuant to feedstock procurement
10 contracts developed by the Illinois Power Agency, with
11 coal comprising at least 50% of the total feedstock over
12 the term of the sourcing agreement and petroleum coke
13 comprising the remainder of the SNG feedstock. If the
14 Commission fails to approve a feedstock procurement plan
15 or fails to approve the results of a feedstock procurement
16 event, then the fuel shall be purchased by the company
17 month-by-month on the spot market and those actual
18 delivered and processed fuel costs shall be recoverable
19 under the sourcing agreement. If a supplier defaults under
20 the terms of a procurement contract, then the Illinois
21 Power Agency shall immediately initiate a feedstock
22 procurement process to obtain a replacement supply, and,
23 prior to the conclusion of that process, fuel shall be
24 purchased by the company month-by-month on the spot market
25 and those actual delivered and processed fuel costs shall
26 be recoverable under the sourcing agreement.

1 (5) Taxes and fees imposed by the federal government,
2 the State, or any unit of local government applicable to
3 the clean coal SNG brownfield facility, excluding income
4 tax, shall be recoverable by the clean coal SNG brownfield
5 facility under the sourcing agreement to the extent such
6 taxes and fees were not applicable to the facility on July
7 13, 2011.

8 (6) The actual transportation costs, in accordance
9 with the applicable utility's tariffs, and third-party
10 marketer costs incurred by the company, if any, associated
11 with transporting the SNG from the clean coal SNG
12 brownfield facility to the Chicago City-gate to sell such
13 SNG into the natural gas markets shall be recoverable
14 under the sourcing agreement.

15 (7) Unless otherwise provided, within 30 days after a
16 decision of the Commission on recoverable costs under this
17 Section, any interested party to the Commission's decision
18 may apply for a rehearing with respect to the decision.
19 The Commission shall receive and consider the application
20 for rehearing and shall grant or deny the application in
21 whole or in part within 20 days after the date of the
22 receipt of the application by the Commission. If no
23 rehearing is applied for within the required 30 days or an
24 application for rehearing is denied, then the Commission
25 decision shall be final. If an application for rehearing
26 is granted, then the Commission shall hold a rehearing

1 within 30 days after granting the application. The
2 decision of the Commission upon rehearing shall be final.

3 Any person affected by a decision of the Commission
4 under this subsection (h-3) may have the decision reviewed
5 only under and in accordance with the Administrative
6 Review Law. Unless otherwise provided, the provisions of
7 the Administrative Review Law, all amendments and
8 modifications to that Law, and the rules adopted pursuant
9 to that Law shall apply to and govern all proceedings for
10 the judicial review of final administrative decisions of
11 the Commission under this subsection (h-3). The term
12 "administrative decision" is defined as in Section 3-101
13 of the Code of Civil Procedure.

14 (8) The Capital Development Board shall adopt and make
15 public a policy detailing the process for retaining
16 experts under this Section. Any experts retained to assist
17 with calculating the range of capital costs or operations
18 and maintenance costs shall be retained no later than 45
19 days after July 13, 2011.

20 (h-4) No later than 90 days after the Illinois Power
21 Agency submits the final draft sourcing agreement pursuant to
22 subsection (h-1), the Commission shall approve a sourcing
23 agreement containing (i) the capital costs, rate of return,
24 and operations and maintenance costs established pursuant to
25 subsection (h-3) and (ii) all other terms and conditions,
26 rights, provisions, exceptions, and limitations contained in

1 the final draft sourcing agreement; provided, however, the
2 Commission shall correct typographical and scrivener's errors
3 and modify the contract only as necessary to provide that the
4 gas utility does not have the right to terminate the sourcing
5 agreement due to any future events that may occur other than
6 the clean coal SNG brownfield facility's failure to timely
7 meet milestones, uncured default, extended force majeure, or
8 abandonment. Once the sourcing agreement is approved, then the
9 gas utility subject to that sourcing agreement shall have 45
10 days after the date of the Commission's approval to enter into
11 the sourcing agreement.

12 (h-5) Sequestration enforcement.

13 (A) All contracts entered into under subsection (h) of
14 this Section and all sourcing agreements under subsection
15 (h-1) of this Section, regardless of duration, shall
16 require the owner of any facility supplying SNG under the
17 contract or sourcing agreement to provide certified
18 documentation to the Commission each year, starting in the
19 facility's first year of commercial operation, accurately
20 reporting the quantity of carbon dioxide emissions from
21 the facility that have been captured and sequestered and
22 reporting any quantities of carbon dioxide released from
23 the site or sites at which carbon dioxide emissions were
24 sequestered in prior years, based on continuous monitoring
25 of those sites.

26 (B) If, in any year, the owner of the clean coal SNG

1 facility fails to demonstrate that the SNG facility
2 captured and sequestered at least 90% of the total carbon
3 dioxide emissions that the facility would otherwise emit
4 or that sequestration of emissions from prior years has
5 failed, resulting in the release of carbon dioxide into
6 the atmosphere, then the owner of the clean coal SNG
7 facility must pay a penalty of \$20 per ton of excess carbon
8 dioxide emissions not to exceed \$40,000,000, in any given
9 year which shall be deposited into the Energy Efficiency
10 Trust Fund and distributed pursuant to subsection (b) of
11 Section 6-6 of the Renewable Energy, Energy Efficiency,
12 and Coal Resources Development Law of 1997. On or before
13 the 5-year anniversary of the execution of the contract
14 and every 5 years thereafter, an expert hired by the owner
15 of the facility with the approval of the Attorney General
16 shall conduct an analysis to determine the cost of
17 sequestration of at least 90% of the total carbon dioxide
18 emissions the plant would otherwise emit. If the analysis
19 shows that the actual annual cost is greater than the
20 penalty, then the penalty shall be increased to equal the
21 actual cost. Provided, however, to the extent that the
22 owner of the facility described in subsection (h) of this
23 Section can demonstrate that the failure was as a result
24 of acts of God (including fire, flood, earthquake,
25 tornado, lightning, hurricane, or other natural disaster);
26 any amendment, modification, or abrogation of any

1 applicable law or regulation that would prevent
2 performance; war; invasion; act of foreign enemies;
3 hostilities (regardless of whether war is declared); civil
4 war; rebellion; revolution; insurrection; military or
5 usurped power or confiscation; terrorist activities; civil
6 disturbance; riots; nationalization; sabotage; blockage;
7 or embargo, the owner of the facility described in
8 subsection (h) of this Section shall not be subject to a
9 penalty if and only if (i) it promptly provides notice of
10 its failure to the Commission; (ii) as soon as practicable
11 and consistent with any order or direction from the
12 Commission, it submits to the Commission proposed
13 modifications to its carbon capture and sequestration
14 plan; and (iii) it carries out its proposed modifications
15 in the manner and time directed by the Commission.

16 If the Commission finds that the facility has not
17 satisfied each of these requirements, then the facility
18 shall be subject to the penalty. If the owner of the clean
19 coal SNG facility captured and sequestered more than 90%
20 of the total carbon dioxide emissions that the facility
21 would otherwise emit, then the owner of the facility may
22 credit such additional amounts to reduce the amount of any
23 future penalty to be paid. The penalty resulting from the
24 failure to capture and sequester at least the minimum
25 amount of carbon dioxide shall not be passed on to a
26 utility or its customers.

1 If the clean coal SNG facility fails to meet the
2 requirements specified in this subsection (h-5), then the
3 Attorney General, on behalf of the People of the State of
4 Illinois, shall bring an action to enforce the obligations
5 related to the facility set forth in this subsection
6 (h-5), including any penalty payments owed, but not
7 including the physical obligation to capture and sequester
8 at least 90% of the total carbon dioxide emissions that
9 the facility would otherwise emit. Such action may be
10 filed in any circuit court in Illinois. By entering into a
11 contract pursuant to subsection (h) of this Section, the
12 clean coal SNG facility agrees to waive any objections to
13 venue or to the jurisdiction of the court with regard to
14 the Attorney General's action under this subsection (h-5).

15 Compliance with the sequestration requirements and any
16 penalty requirements specified in this subsection (h-5)
17 for the clean coal SNG facility shall be assessed annually
18 by the Commission, which may in its discretion retain an
19 expert to facilitate its assessment. If any expert is
20 retained by the Commission, then the clean coal SNG
21 facility shall pay for the expert's reasonable fees, and
22 such costs shall not be passed through to the utility or
23 its customers.

24 In addition, carbon dioxide emission credits received
25 by the clean coal SNG facility in connection with
26 sequestration of carbon dioxide from the facility must be

1 sold in a timely fashion with any revenue, less applicable
2 fees and expenses and any expenses required to be paid by
3 facility for carbon dioxide transportation or
4 sequestration, deposited into the reconciliation account
5 within 30 days after receipt of such funds by the owner of
6 the clean coal SNG facility.

7 The clean coal SNG facility is prohibited from
8 transporting or sequestering carbon dioxide unless the
9 owner of the carbon dioxide pipeline that transfers the
10 carbon dioxide from the facility and the owner of the
11 sequestration site where the carbon dioxide captured by
12 the facility is stored has acquired all applicable permits
13 under applicable State and federal laws, statutes, rules,
14 or regulations prior to the transfer or sequestration of
15 carbon dioxide. The responsibility for compliance with the
16 sequestration requirements specified in this subsection
17 (h-5) for the clean coal SNG facility shall reside solely
18 with the clean coal SNG facility, regardless of whether
19 the facility has contracted with another party to capture,
20 transport, or sequester carbon dioxide.

21 (C) If, in any year, the owner of a clean coal SNG
22 brownfield facility fails to demonstrate that the clean
23 coal SNG brownfield facility captured and sequestered at
24 least 85% of the total carbon dioxide emissions that the
25 facility would otherwise emit, then the owner of the clean
26 coal SNG brownfield facility must pay a penalty of \$20 per

1 ton of excess carbon emissions up to \$20,000,000, which
2 shall be deposited into the Energy Efficiency Trust Fund
3 and distributed pursuant to subsection (b) of Section 6-6
4 of the Renewable Energy, Energy Efficiency, and Coal
5 Resources Development Law of 1997. Provided, however, to
6 the extent that the owner of the clean coal SNG brownfield
7 facility can demonstrate that the failure was as a result
8 of acts of God (including fire, flood, earthquake,
9 tornado, lightning, hurricane, or other natural disaster);
10 any amendment, modification, or abrogation of any
11 applicable law or regulation that would prevent
12 performance; war; invasion; act of foreign enemies;
13 hostilities (regardless of whether war is declared); civil
14 war; rebellion; revolution; insurrection; military or
15 usurped power or confiscation; terrorist activities; civil
16 disturbances; riots; nationalization; sabotage; blockage;
17 or embargo, the owner of the clean coal SNG brownfield
18 facility shall not be subject to a penalty if and only if
19 (i) it promptly provides notice of its failure to the
20 Commission; (ii) as soon as practicable and consistent
21 with any order or direction from the Commission, it
22 submits to the Commission proposed modifications to its
23 carbon capture and sequestration plan; and (iii) it
24 carries out its proposed modifications in the manner and
25 time directed by the Commission. If the Commission finds
26 that the facility has not satisfied each of these

1 requirements, then the facility shall be subject to the
2 penalty. If the owner of a clean coal SNG brownfield
3 facility demonstrates that the clean coal SNG brownfield
4 facility captured and sequestered more than 85% of the
5 total carbon emissions that the facility would otherwise
6 emit, the owner of the clean coal SNG brownfield facility
7 may credit such additional amounts to reduce the amount of
8 any future penalty to be paid. The penalty resulting from
9 the failure to capture and sequester at least the minimum
10 amount of carbon dioxide shall not be passed on to a
11 utility or its customers.

12 In addition to any penalty for the clean coal SNG
13 brownfield facility's failure to capture and sequester at
14 least its minimum sequestration requirement, the Attorney
15 General, on behalf of the People of the State of Illinois,
16 shall bring an action for specific performance of this
17 subsection (h-5). Such action may be filed in any circuit
18 court in Illinois. By entering into a sourcing agreement
19 pursuant to subsection (h-1) of this Section, the clean
20 coal SNG brownfield facility agrees to waive any
21 objections to venue or to the jurisdiction of the court
22 with regard to the Attorney General's action for specific
23 performance under this subsection (h-5).

24 Compliance with the sequestration requirements and
25 penalty requirements specified in this subsection (h-5)
26 for the clean coal SNG brownfield facility shall be

1 assessed annually by the Commission, which may in its
2 discretion retain an expert to facilitate its assessment.
3 If an expert is retained by the Commission, then the clean
4 coal SNG brownfield facility shall pay for the expert's
5 reasonable fees, and such costs shall not be passed
6 through to a utility or its customers. A SNG facility
7 operating pursuant to this subsection (h-5) shall not
8 forfeit its designation as a clean coal SNG facility or a
9 clean coal SNG brownfield facility if the facility fails
10 to fully comply with the applicable carbon sequestration
11 requirements in any given year, provided the requisite
12 offsets are purchased or requisite penalties are paid.

13 Responsibility for compliance with the sequestration
14 requirements specified in this subsection (h-5) for the
15 clean coal SNG brownfield facility shall reside solely
16 with the clean coal SNG brownfield facility regardless of
17 whether the facility has contracted with another party to
18 capture, transport, or sequester carbon dioxide.

19 (h-7) Sequestration permitting, oversight, and
20 investigations.

21 (1) No clean coal facility or clean coal SNG
22 brownfield facility may transport or sequester carbon
23 dioxide unless the Commission approves the method of
24 carbon dioxide transportation or sequestration. Such
25 approval shall be required regardless of whether the
26 facility has contracted with another to transport or

1 sequester the carbon dioxide. Nothing in this subsection
2 (h-7) shall release the owner or operator of a carbon
3 dioxide sequestration site or carbon dioxide pipeline from
4 any other permitting requirements under applicable State
5 and federal laws, statutes, rules, or regulations.

6 (2) The Commission shall review carbon dioxide
7 transportation and sequestration methods proposed by a
8 clean coal facility or a clean coal SNG brownfield
9 facility and shall approve those methods it deems
10 reasonable and cost-effective. For purposes of this
11 review, "cost-effective" means a commercially reasonable
12 price for similar carbon dioxide transportation or
13 sequestration techniques. In determining whether
14 sequestration is reasonable and cost-effective, the
15 Commission may consult with the Illinois State Geological
16 Survey and retain third parties to assist in its
17 determination, provided that such third parties shall not
18 own or control any direct or indirect interest in the
19 facility that is proposing the carbon dioxide
20 transportation or the carbon dioxide sequestration method
21 and shall have no contractual relationship with that
22 facility. If a third party is retained by the Commission,
23 then the facility proposing the carbon dioxide
24 transportation or sequestration method shall pay for the
25 expert's reasonable fees, and these costs shall not be
26 passed through to a utility or its customers.

1 No later than 6 months prior to the date upon which the
2 owner intends to commence construction of a clean coal
3 facility or the clean coal SNG brownfield facility, the
4 owner of the facility shall file with the Commission a
5 carbon dioxide transportation or sequestration plan. The
6 Commission shall hold a public hearing within 30 days
7 after receipt of the facility's carbon dioxide
8 transportation or sequestration plan. The Commission shall
9 post notice of the review on its website upon submission
10 of a carbon dioxide transportation or sequestration method
11 and shall accept written public comments. The Commission
12 shall take the comments into account when making its
13 decision.

14 The Commission may not approve a carbon dioxide
15 sequestration method if the owner or operator of the
16 sequestration site has not received (i) an Underground
17 Injection Control permit from the United States
18 Environmental Protection Agency, or from the Illinois
19 Environmental Protection Agency pursuant to the
20 Environmental Protection Act; (ii) an Underground
21 Injection Control permit from the Illinois Department of
22 Natural Resources pursuant to the Illinois Oil and Gas
23 Act; or (iii) an Underground Injection Control permit from
24 the United States Environmental Protection Agency or a
25 permit similar to items (i) or (ii) from the state in which
26 the sequestration site is located if the sequestration

1 will take place outside of Illinois. The Commission shall
2 approve or deny the carbon dioxide transportation or
3 sequestration method within 90 days after the receipt of
4 all required information.

5 (3) At least annually, the Illinois Environmental
6 Protection Agency shall inspect all carbon dioxide
7 sequestration sites in Illinois. The Illinois
8 Environmental Protection Agency may, as often as deemed
9 necessary, monitor and conduct investigations of those
10 sites. The owner or operator of the sequestration site
11 must cooperate with the Illinois Environmental Protection
12 Agency investigations of carbon dioxide sequestration
13 sites.

14 If the Illinois Environmental Protection Agency
15 determines at any time a site creates conditions that
16 warrant the issuance of a seal order under Section 34 of
17 the Environmental Protection Act, then the Illinois
18 Environmental Protection Agency shall seal the site
19 pursuant to the Environmental Protection Act. If the
20 Illinois Environmental Protection Agency determines at any
21 time a carbon dioxide sequestration site creates
22 conditions that warrant the institution of a civil action
23 for an injunction under Section 43 of the Environmental
24 Protection Act, then the Illinois Environmental Protection
25 Agency shall request the State's Attorney or the Attorney
26 General institute such action. The Illinois Environmental

1 Protection Agency shall provide notice of any such actions
2 as soon as possible on its website. The SNG facility shall
3 incur all reasonable costs associated with any such
4 inspection or monitoring of the sequestration sites, and
5 these costs shall not be recoverable from utilities or
6 their customers.

7 (4) (Blank).

8 (h-9) The clean coal SNG brownfield facility shall have
9 the right to recover prudently incurred increased costs or
10 reduced revenue resulting from any new or amendatory
11 legislation or other action. The State of Illinois pledges
12 that the State will not enact any law or take any action to:

13 (1) break, or repeal the authority for, sourcing
14 agreements approved by the Commission and entered into
15 between public utilities and the clean coal SNG brownfield
16 facility;

17 (2) deny public utilities full cost recovery for their
18 costs incurred under those sourcing agreements; or

19 (3) deny the clean coal SNG brownfield facility full
20 cost and revenue recovery as provided under those sourcing
21 agreements that are recoverable pursuant to subsection
22 (h-3) of this Section.

23 These pledges are for the benefit of the parties to those
24 sourcing agreements and the issuers and holders of bonds or
25 other obligations issued or incurred to finance or refinance
26 the clean coal SNG brownfield facility. The clean coal SNG

1 brownfield facility is authorized to include and refer to
2 these pledges in any financing agreement into which it may
3 enter in regard to those sourcing agreements.

4 The State of Illinois retains and reserves all other
5 rights to enact new or amendatory legislation or take any
6 other action, without impairment of the right of the clean
7 coal SNG brownfield facility to recover prudently incurred
8 increased costs or reduced revenue resulting from the new or
9 amendatory legislation or other action, including, but not
10 limited to, such legislation or other action that would (i)
11 directly or indirectly raise the costs the clean coal SNG
12 brownfield facility must incur; (ii) directly or indirectly
13 place additional restrictions, regulations, or requirements on
14 the clean coal SNG brownfield facility; (iii) prohibit
15 sequestration in general or prohibit a specific sequestration
16 method or project; or (iv) increase minimum sequestration
17 requirements for the clean coal SNG brownfield facility to the
18 extent technically feasible. The clean coal SNG brownfield
19 facility shall have the right to recover prudently incurred
20 increased costs or reduced revenue resulting from the new or
21 amendatory legislation or other action as described in this
22 subsection (h-9).

23 (h-10) Contract costs for SNG incurred by an Illinois gas
24 utility are reasonable and prudent and recoverable through the
25 purchased gas adjustment clause and are not subject to review
26 or disallowance by the Commission. Contract costs are costs

1 incurred by the utility under the terms of a contract that
2 incorporates the terms stated in subsection (h) of this
3 Section as confirmed in writing by the Illinois Power Agency
4 as set forth in subsection (h) of this Section, which
5 confirmation shall be deemed conclusive, or as a consequence
6 of or condition to its performance under the contract,
7 including (i) amounts paid for SNG under the SNG contract and
8 (ii) costs of transportation and storage services of SNG
9 purchased from interstate pipelines under federally approved
10 tariffs. The Illinois gas utility shall initiate a clean coal
11 SNG facility rider mechanism that (A) shall be applicable to
12 all customers who receive transportation service from the
13 utility, (B) shall be designed to have an equal percentage
14 impact on the transportation services rates of each class of
15 the utility's total customers, and (C) shall accurately
16 reflect the net customer savings, if any, and above market
17 costs, if any, under the SNG contract. Any contract, the terms
18 of which have been confirmed in writing by the Illinois Power
19 Agency as set forth in subsection (h) of this Section and the
20 performance of the parties under such contract cannot be
21 grounds for challenging prudence or cost recovery by the
22 utility through the purchased gas adjustment clause, and in
23 such cases, the Commission is directed not to consider, and
24 has no authority to consider, any attempted challenges.

25 The contracts entered into by Illinois gas utilities
26 pursuant to subsection (h) of this Section shall provide that

1 the utility retains the right to terminate the contract
2 without further obligation or liability to any party if the
3 contract has been impaired as a result of any legislative,
4 administrative, judicial, or other governmental action that is
5 taken that eliminates all or part of the prudence protection
6 of this subsection (h-10) or denies the recoverability of all
7 or part of the contract costs through the purchased gas
8 adjustment clause. Should any Illinois gas utility exercise
9 its right under this subsection (h-10) to terminate the
10 contract, all contract costs incurred prior to termination are
11 and will be deemed reasonable, prudent, and recoverable as and
12 when incurred and not subject to review or disallowance by the
13 Commission. Any order, issued by the State requiring or
14 authorizing the discontinuation of the merchant function,
15 defined as the purchase and sale of natural gas by an Illinois
16 gas utility for the ultimate consumer in its service territory
17 shall include provisions necessary to prevent the impairment
18 of the value of any contract hereunder over its full term.

19 (h-11) All costs incurred by an Illinois gas utility in
20 procuring SNG from a clean coal SNG brownfield facility
21 pursuant to subsection (h-1) or a third-party marketer
22 pursuant to subsection (h-1) are reasonable and prudent and
23 recoverable through the purchased gas adjustment clause in
24 conjunction with a SNG brownfield facility rider mechanism and
25 are not subject to review or disallowance by the Commission;
26 provided that if a utility is required by law or otherwise

1 elects to connect the clean coal SNG brownfield facility to an
2 interstate pipeline, then the utility shall be entitled to
3 recover pursuant to its tariffs all just and reasonable costs
4 that are prudently incurred. Sourcing agreement costs are
5 costs incurred by the utility under the terms of a sourcing
6 agreement that incorporates the terms stated in subsection
7 (h-1) of this Section as approved by the Commission as set
8 forth in subsection (h-4) of this Section, which approval
9 shall be deemed conclusive, or as a consequence of or
10 condition to its performance under the contract, including (i)
11 amounts paid for SNG under the SNG contract and (ii) costs of
12 transportation and storage services of SNG purchased from
13 interstate pipelines under federally approved tariffs. Any
14 sourcing agreement, the terms of which have been approved by
15 the Commission as set forth in subsection (h-4) of this
16 Section, and the performance of the parties under the sourcing
17 agreement cannot be grounds for challenging prudence or cost
18 recovery by the utility, and in these cases, the Commission is
19 directed not to consider, and has no authority to consider,
20 any attempted challenges.

21 (h-15) Reconciliation account. The clean coal SNG facility
22 shall establish a reconciliation account for the benefit of
23 the retail customers of the utilities that have entered into
24 contracts with the clean coal SNG facility pursuant to
25 subsection (h). The reconciliation account shall be maintained
26 and administered by an independent trustee that is mutually

1 agreed upon by the owners of the clean coal SNG facility, the
2 utilities, and the Commission in an interest-bearing account
3 in accordance with the following:

4 (1) The clean coal SNG facility shall conduct an
5 analysis annually within 60 days after receiving the
6 necessary cost information, which shall be provided by the
7 gas utility within 6 months after the end of the preceding
8 calendar year, to determine (i) the average annual
9 contract SNG cost, which shall be calculated as the total
10 amount paid for SNG purchased from the clean coal SNG
11 facility over the preceding 12 months, plus the cost to
12 the utility of the required transportation and storage
13 services of SNG, divided by the total number of MMBtus of
14 SNG actually purchased from the clean coal SNG facility in
15 the preceding 12 months under the utility contract; (ii)
16 the average annual natural gas purchase cost, which shall
17 be calculated as the total annual supply costs paid for
18 baseload natural gas (excluding any SNG) purchased by such
19 utility over the preceding 12 months plus the costs of
20 transportation and storage services of such natural gas
21 (excluding such costs for SNG), divided by the total
22 number of MMBtus of baseload natural gas (excluding SNG)
23 actually purchased by the utility during the year; (iii)
24 the cost differential, which shall be the difference
25 between the average annual contract SNG cost and the
26 average annual natural gas purchase cost; and (iv) the

1 revenue share target which shall be the cost differential
2 multiplied by the total amount of SNG purchased over the
3 preceding 12 months under such utility contract.

4 (A) To the extent the annual average contract SNG
5 cost is less than the annual average natural gas
6 purchase cost, the utility shall credit an amount
7 equal to the revenue share target to the
8 reconciliation account. Such credit payment shall be
9 made monthly starting within 30 days after the
10 completed analysis in this subsection (h-15) and based
11 on collections from all customers via a line item
12 charge in all customer bills designed to have an equal
13 percentage impact on the transportation services of
14 each class of customers. Credit payments made pursuant
15 to this subparagraph (A) shall be deemed prudent and
16 reasonable and not subject to Commission prudence
17 review.

18 (B) To the extent the annual average contract SNG
19 cost is greater than the annual average natural gas
20 purchase cost, the reconciliation account shall be
21 used to provide a credit equal to the revenue share
22 target to the utilities to be used to reduce the
23 utility's natural gas costs through the purchased gas
24 adjustment clause. Such payment shall be made within
25 30 days after the completed analysis pursuant to this
26 subsection (h-15), but only to the extent that the

1 reconciliation account has a positive balance.

2 (2) At the conclusion of the term of the SNG contracts
3 pursuant to subsection (h) and the completion of the final
4 annual analysis pursuant to this subsection (h-15), to the
5 extent the facility owes any amount to retail customers,
6 amounts in the account shall be credited to retail
7 customers to the extent the owed amount is repaid; 50% of
8 any additional amount in the reconciliation account shall
9 be distributed to the utilities to be used to reduce the
10 utilities' natural gas costs through the purchase gas
11 adjustment clause with the remaining amount distributed to
12 the clean coal SNG facility. Such payment shall be made
13 within 30 days after the last completed analysis pursuant
14 to this subsection (h-15). If the facility has repaid all
15 owed amounts, if any, to retail customers and has
16 distributed 50% of any additional amount in the account to
17 the utilities, then the owners of the clean coal SNG
18 facility shall have no further obligation to the utility
19 or the retail customers.

20 If, at the conclusion of the term of the contracts
21 pursuant to subsection (h) and the completion of the final
22 annual analysis pursuant to this subsection (h-15), the
23 facility owes any amount to retail customers and the
24 account has been depleted, then the clean coal SNG
25 facility shall be liable for any remaining amount owed to
26 the retail customers. The clean coal SNG facility shall

1 market the daily production of SNG and distribute on a
2 monthly basis 5% of the amounts collected with respect to
3 such future sales to the utilities in proportion to each
4 utility's SNG contract to be used to reduce the utility's
5 natural gas costs through the purchase gas adjustment
6 clause; such payments to the utility shall continue until
7 either 15 years after the conclusion of the contract or
8 such time as the sum of such payments equals the remaining
9 amount owed to the retail customers at the end of the
10 contract, whichever is earlier. If the debt to the retail
11 customers is not repaid within 15 years after the
12 conclusion of the contract, then the owner of the clean
13 coal SNG facility must sell the facility, and all proceeds
14 from that sale must be used to repay any amount owed to the
15 retail customers under this subsection (h-15).

16 The retail customers shall have first priority in
17 recovering that debt above any creditors, except the
18 secured lenders to the extent that the secured lenders
19 have any secured debt outstanding, including any parent
20 companies or affiliates of the clean coal SNG facility.

21 (3) 50% of all additional net revenue, defined as
22 miscellaneous net revenue after cost allowance and above
23 the budgeted estimate established for revenue pursuant to
24 subsection (h), including sale of substitute natural gas
25 derived from the clean coal SNG facility above the
26 nameplate capacity of the facility and other by-products

1 produced by the facility, shall be credited to the
2 reconciliation account on an annual basis with such
3 payment made within 30 days after the end of each calendar
4 year during the term of the contract.

5 (4) The clean coal SNG facility shall each year,
6 starting in the facility's first year of commercial
7 operation, file with the Commission, in such form as the
8 Commission shall require, a report as to the
9 reconciliation account. The annual report must contain the
10 following information:

11 (A) the revenue share target amount;

12 (B) the amount credited or debited to the
13 reconciliation account during the year;

14 (C) the amount credited to the utilities to be
15 used to reduce the utilities natural gas costs though
16 the purchase gas adjustment clause;

17 (D) the total amount of reconciliation account at
18 the beginning and end of the year;

19 (E) the total amount of consumer savings to date;
20 and

21 (F) any additional information the Commission may
22 require.

23 When any report is erroneous or defective or appears to
24 the Commission to be erroneous or defective, the Commission
25 may notify the clean coal SNG facility to amend the report
26 within 30 days; before or after the termination of the 30-day

1 period, the Commission may examine the trustee of the
2 reconciliation account or the officers, agents, employees,
3 books, records, or accounts of the clean coal SNG facility and
4 correct such items in the report as upon such examination the
5 Commission may find defective or erroneous. All reports shall
6 be under oath.

7 All reports made to the Commission by the clean coal SNG
8 facility and the contents of the reports shall be open to
9 public inspection and shall be deemed a public record under
10 the Freedom of Information Act. Such reports shall be
11 preserved in the office of the Commission. The Commission
12 shall publish an annual summary of the reports prior to
13 February 1 of the following year. The annual summary shall be
14 made available to the public on the Commission's website and
15 shall be submitted to the General Assembly.

16 Any facility that fails to file the report required under
17 this paragraph (4) to the Commission within the time specified
18 or to make specific answer to any question propounded by the
19 Commission within 30 days after the time it is lawfully
20 required to do so, or within such further time not to exceed 90
21 days as may be allowed by the Commission in its discretion,
22 shall pay a penalty of \$500 to the Commission for each day it
23 is in default.

24 Any person who willfully makes any false report to the
25 Commission or to any member, officer, or employee thereof, any
26 person who willfully in a report withholds or fails to provide

1 material information to which the Commission is entitled under
2 this paragraph (4) and which information is either required to
3 be filed by statute, rule, regulation, order, or decision of
4 the Commission or has been requested by the Commission, and
5 any person who willfully aids or abets such person shall be
6 guilty of a Class A misdemeanor.

7 (h-20) The General Assembly authorizes the Illinois
8 Finance Authority to issue bonds to the maximum extent
9 permitted to finance coal gasification facilities described in
10 this Section, which constitute both "industrial projects"
11 under Article 801 of the Illinois Finance Authority Act and
12 "clean coal and energy projects" under Sections 825-65 through
13 825-75 of the Illinois Finance Authority Act.

14 Administrative costs incurred by the Illinois Finance
15 Authority in performance of this subsection (h-20) shall be
16 subject to reimbursement by the clean coal SNG facility on
17 terms as the Illinois Finance Authority and the clean coal SNG
18 facility may agree. The utility and its customers shall have
19 no obligation to reimburse the clean coal SNG facility or the
20 Illinois Finance Authority for any such costs.

21 (h-25) The State of Illinois pledges that the State may
22 not enact any law or take any action to (1) break or repeal the
23 authority for SNG purchase contracts entered into between
24 public gas utilities and the clean coal SNG facility pursuant
25 to subsection (h) of this Section or (2) deny public gas
26 utilities their full cost recovery for contract costs, as

1 defined in subsection (h-10), that are incurred under such SNG
2 purchase contracts. These pledges are for the benefit of the
3 parties to such SNG purchase contracts and the issuers and
4 holders of bonds or other obligations issued or incurred to
5 finance or refinance the clean coal SNG facility. The
6 beneficiaries are authorized to include and refer to these
7 pledges in any finance agreement into which they may enter in
8 regard to such contracts.

9 (h-30) The State of Illinois retains and reserves all
10 other rights to enact new or amendatory legislation or take
11 any other action, including, but not limited to, such
12 legislation or other action that would (1) directly or
13 indirectly raise the costs that the clean coal SNG facility
14 must incur; (2) directly or indirectly place additional
15 restrictions, regulations, or requirements on the clean coal
16 SNG facility; (3) prohibit sequestration in general or
17 prohibit a specific sequestration method or project; or (4)
18 increase minimum sequestration requirements.

19 (i) If a gas utility or an affiliate of a gas utility has
20 an ownership interest in any entity that produces or sells
21 synthetic natural gas, Article VII of this Act shall apply.

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

23 Section 180. The Illinois Horse Racing Act of 1975 is
24 amended by changing Sections 12.1 and 12.2 as follows:

1 (230 ILCS 5/12.1) (from Ch. 8, par. 37-12.1)

2 Sec. 12.1. (a) The General Assembly finds that the
3 Illinois Racing Industry does not include a fair proportion of
4 minority or female workers.

5 Therefore, the General Assembly urges that the job
6 training institutes, trade associations and employers involved
7 in the Illinois Horse Racing Industry take affirmative action
8 to encourage equal employment opportunity to all workers
9 regardless of race, color, creed or sex.

10 Before an organization license, inter-track wagering
11 license or inter-track wagering location license can be
12 granted, the applicant for any such license shall execute and
13 file with the Board a good faith affirmative action plan to
14 recruit, train and upgrade minorities and females in all
15 classifications with the applicant for license. One year after
16 issuance of any such license, and each year thereafter, the
17 licensee shall file a report with the Board evidencing and
18 certifying compliance with the originally filed affirmative
19 action plan.

20 (b) At least 10% of the total amount of all State contracts
21 for the infrastructure improvement of any race track grounds
22 in this State shall be let to minority-owned businesses, ~~or~~
23 women-owned businesses, veteran-owned businesses, or
24 businesses owned by persons with a disability. "State
25 contract", "minority-owned business" ~~and~~ "women-owned
26 business", "veteran-owned business", and "business owned by a

1 person with a disability" shall have the meanings ascribed to
2 them under the Business Enterprise for Minorities, Women,
3 Veterans, and Persons with Disabilities Act.
4 (Source: P.A. 100-391, eff. 8-25-17.)

5 (230 ILCS 5/12.2)

6 Sec. 12.2. Business enterprise program.

7 (a) For the purposes of this Section, the terms
8 "minority", "minority-owned business", "woman", "women-owned
9 business", "veteran", "veteran-owned business", "person with a
10 disability", and "business owned by a person with a
11 disability" have the meanings ascribed to them in the Business
12 Enterprise for Minorities, Women, Veterans, and Persons with
13 Disabilities Act.

14 (b) The Board shall, by rule, establish goals for the
15 award of contracts by each organization licensee or
16 inter-track wagering licensee to businesses owned by
17 minorities, women, veterans, and persons with disabilities,
18 expressed as percentages of an organization licensee's or
19 inter-track wagering licensee's total dollar amount of
20 contracts awarded during each calendar year. Each organization
21 licensee or inter-track wagering licensee must make every
22 effort to meet the goals established by the Board pursuant to
23 this Section. When setting the goals for the award of
24 contracts, the Board shall not include contracts where: (1)
25 licensees are purchasing goods or services from vendors or

1 suppliers or in markets where there are no or a limited number
2 of minority-owned businesses, women-owned businesses,
3 veteran-owned businesses, or businesses owned by persons with
4 disabilities that would be sufficient to satisfy the goal; (2)
5 there are no or a limited number of suppliers licensed by the
6 Board; (3) the licensee or its parent company owns a company
7 that provides the goods or services; or (4) the goods or
8 services are provided to the licensee by a publicly traded
9 company.

10 (c) Each organization licensee or inter-track wagering
11 licensee shall file with the Board an annual report of its
12 utilization of minority-owned businesses, women-owned
13 businesses, veteran-owned businesses, and businesses owned by
14 persons with disabilities during the preceding calendar year.
15 The reports shall include a self-evaluation of the efforts of
16 the organization licensee or inter-track wagering licensee to
17 meet its goals under this Section.

18 (d) The organization licensee or inter-track wagering
19 licensee shall have the right to request a waiver from the
20 requirements of this Section. The Board shall grant the waiver
21 where the organization licensee or inter-track wagering
22 licensee demonstrates that there has been made a good faith
23 effort to comply with the goals for participation by
24 minority-owned businesses, women-owned businesses,
25 veteran-owned businesses, and businesses owned by persons with
26 disabilities.

1 (e) If the Board determines that its goals and policies
2 are not being met by any organization licensee or inter-track
3 wagering licensee, then the Board may:

4 (1) adopt remedies for such violations; and

5 (2) recommend that the organization licensee or
6 inter-track wagering licensee provide additional
7 opportunities for participation by minority-owned
8 businesses, women-owned businesses, veteran-owned
9 businesses, and businesses owned by persons with
10 disabilities; such recommendations may include, but shall
11 not be limited to:

12 (A) assurances of stronger and better focused
13 solicitation efforts to obtain more minority-owned
14 businesses, women-owned businesses, veteran-owned
15 businesses, and businesses owned by persons with
16 disabilities as potential sources of supply;

17 (B) division of job or project requirements, when
18 economically feasible, into tasks or quantities to
19 permit participation of minority-owned businesses,
20 women-owned businesses, veteran-owned businesses, and
21 businesses owned by persons with disabilities;

22 (C) elimination of extended experience or
23 capitalization requirements, when programmatically
24 feasible, to permit participation of minority-owned
25 businesses, women-owned businesses, veteran-owned
26 businesses, and businesses owned by persons with

1 disabilities;

2 (D) identification of specific proposed contracts
3 as particularly attractive or appropriate for
4 participation by minority-owned businesses,
5 women-owned businesses, veteran-owned businesses, and
6 businesses owned by persons with disabilities, such
7 identification to result from and be coupled with the
8 efforts of items (A) through (C); and

9 (E) implementation of regulations established for
10 the use of the sheltered market process.

11 (f) The Board shall file, no later than March 1 of each
12 year, an annual report that shall detail the level of
13 achievement toward the goals specified in this Section over
14 the 3 most recent fiscal years. The annual report shall
15 include, but need not be limited to:

16 (1) a summary detailing expenditures subject to the
17 goals, the actual goals specified, and the goals attained
18 by each organization licensee or inter-track wagering
19 licensee;

20 (2) a summary of the number of contracts awarded and
21 the average contract amount by each organization licensee
22 or inter-track wagering licensee;

23 (3) an analysis of the level of overall goal
24 achievement concerning purchases from minority-owned
25 businesses, women-owned businesses, veteran-owned
26 businesses, and businesses owned by persons with

1 disabilities;

2 (4) an analysis of the number of minority-owned
3 businesses, women-owned businesses, veteran-owned
4 businesses, and businesses owned by persons with
5 disabilities that are certified under the program as well
6 as the number of those businesses that received State
7 procurement contracts; and

8 (5) (blank).

9 (Source: P.A. 99-78, eff. 7-20-15; 99-891, eff. 1-1-17;
10 100-391, eff. 8-25-17.)

11 Section 185. The Riverboat Gambling Act is amended by
12 changing Sections 4, 7, 7.6, and 11.2 as follows:

13 (230 ILCS 10/4) (from Ch. 120, par. 2404)

14 Sec. 4. Definitions. As used in this Act:

15 "Board" means the Illinois Gaming Board.

16 "Occupational license" means a license issued by the Board
17 to a person or entity to perform an occupation which the Board
18 has identified as requiring a license to engage in riverboat
19 gambling, casino gambling, or gaming pursuant to an
20 organization gaming license issued under this Act in Illinois.

21 "Gambling game" includes, but is not limited to, baccarat,
22 twenty-one, poker, craps, slot machine, video game of chance,
23 roulette wheel, klondike table, punchboard, faro layout, keno
24 layout, numbers ticket, push card, jar ticket, or pull tab

1 which is authorized by the Board as a wagering device under
2 this Act.

3 "Riverboat" means a self-propelled excursion boat, a
4 permanently moored barge, or permanently moored barges that
5 are permanently fixed together to operate as one vessel, on
6 which lawful gambling is authorized and licensed as provided
7 in this Act.

8 "Slot machine" means any mechanical, electrical, or other
9 device, contrivance, or machine that is authorized by the
10 Board as a wagering device under this Act which, upon
11 insertion of a coin, currency, token, or similar object
12 therein, or upon payment of any consideration whatsoever, is
13 available to play or operate, the play or operation of which
14 may deliver or entitle the person playing or operating the
15 machine to receive cash, premiums, merchandise, tokens, or
16 anything of value whatsoever, whether the payoff is made
17 automatically from the machine or in any other manner
18 whatsoever. A slot machine:

19 (1) may utilize spinning reels or video displays or
20 both;

21 (2) may or may not dispense coins, tickets, or tokens
22 to winning patrons;

23 (3) may use an electronic credit system for receiving
24 wagers and making payouts; and

25 (4) may simulate a table game.

26 "Slot machine" does not include table games authorized by

1 the Board as a wagering device under this Act.

2 "Managers license" means a license issued by the Board to
3 a person or entity to manage gambling operations conducted by
4 the State pursuant to Section 7.3.

5 "Dock" means the location where a riverboat moors for the
6 purpose of embarking passengers for and disembarking
7 passengers from the riverboat.

8 "Gross receipts" means the total amount of money exchanged
9 for the purchase of chips, tokens, or electronic cards by
10 riverboat patrons.

11 "Adjusted gross receipts" means the gross receipts less
12 winnings paid to wagerers.

13 "Cheat" means to alter the selection of criteria which
14 determine the result of a gambling game or the amount or
15 frequency of payment in a gambling game.

16 "Gambling operation" means the conduct of gambling games
17 authorized under this Act upon a riverboat or in a casino or
18 authorized under this Act and the Illinois Horse Racing Act of
19 1975 at an organization gaming facility.

20 "License bid" means the lump sum amount of money that an
21 applicant bids and agrees to pay the State in return for an
22 owners license that is issued or re-issued on or after July 1,
23 2003.

24 "Table game" means a live gaming apparatus upon which
25 gaming is conducted or that determines an outcome that is the
26 object of a wager, including, but not limited to, baccarat,

1 twenty-one, blackjack, poker, craps, roulette wheel, klondike
2 table, punchboard, faro layout, keno layout, numbers ticket,
3 push card, jar ticket, pull tab, or other similar games that
4 are authorized by the Board as a wagering device under this
5 Act. "Table game" does not include slot machines or video
6 games of chance.

7 The terms "minority person", "woman", "veteran", and
8 "person with a disability" shall have the same meaning as
9 defined in Section 2 of the Business Enterprise for
10 Minorities, Women, Veterans, and Persons with Disabilities
11 Act.

12 "Casino" means a facility at which lawful gambling is
13 authorized as provided in this Act.

14 "Owners license" means a license to conduct riverboat or
15 casino gambling operations, but does not include an
16 organization gaming license.

17 "Licensed owner" means a person who holds an owners
18 license.

19 "Organization gaming facility" means that portion of an
20 organization licensee's racetrack facilities at which gaming
21 authorized under Section 7.7 is conducted.

22 "Organization gaming license" means a license issued by
23 the Illinois Gaming Board under Section 7.7 of this Act
24 authorizing gaming pursuant to that Section at an organization
25 gaming facility.

26 "Organization gaming licensee" means an entity that holds

1 an organization gaming license.

2 "Organization licensee" means an entity authorized by the
3 Illinois Racing Board to conduct pari-mutuel wagering in
4 accordance with the Illinois Horse Racing Act of 1975. With
5 respect only to gaming pursuant to an organization gaming
6 license, "organization licensee" includes the authorization
7 for gaming created under subsection (a) of Section 56 of the
8 Illinois Horse Racing Act of 1975.

9 (Source: P.A. 100-391, eff. 8-25-17; 101-31, eff. 6-28-19.)

10 (230 ILCS 10/7) (from Ch. 120, par. 2407)

11 Sec. 7. Owners licenses.

12 (a) The Board shall issue owners licenses to persons or
13 entities that apply for such licenses upon payment to the
14 Board of the non-refundable license fee as provided in
15 subsection (e) or (e-5) and upon a determination by the Board
16 that the applicant is eligible for an owners license pursuant
17 to this Act and the rules of the Board. From December 15, 2008
18 ~~(the effective date of Public Act 95-1008) this amendatory Act~~
19 ~~of the 95th General Assembly~~ until (i) 3 years after December
20 15, 2008 (the effective date of Public Act 95-1008) ~~this~~
21 ~~amendatory Act of the 95th General Assembly~~, (ii) the date any
22 organization licensee begins to operate a slot machine or
23 video game of chance under the Illinois Horse Racing Act of
24 1975 or this Act, (iii) the date that payments begin under
25 subsection (c-5) of Section 13 of this Act, (iv) the wagering

1 tax imposed under Section 13 of this Act is increased by law to
2 reflect a tax rate that is at least as stringent or more
3 stringent than the tax rate contained in subsection (a-3) of
4 Section 13, or (v) when an owners licensee holding a license
5 issued pursuant to Section 7.1 of this Act begins conducting
6 gaming, whichever occurs first, as a condition of licensure
7 and as an alternative source of payment for those funds
8 payable under subsection (c-5) of Section 13 of this Act, any
9 owners licensee that holds or receives its owners license on
10 or after May 26, 2006 (the effective date of Public Act 94-804)
11 ~~this amendatory Act of the 94th General Assembly~~, other than
12 an owners licensee operating a riverboat with adjusted gross
13 receipts in calendar year 2004 of less than \$200,000,000, must
14 pay into the Horse Racing Equity Trust Fund, in addition to any
15 other payments required under this Act, an amount equal to 3%
16 of the adjusted gross receipts received by the owners
17 licensee. The payments required under this Section shall be
18 made by the owners licensee to the State Treasurer no later
19 than 3:00 o'clock p.m. of the day after the day when the
20 adjusted gross receipts were received by the owners licensee.
21 A person or entity is ineligible to receive an owners license
22 if:

23 (1) the person has been convicted of a felony under
24 the laws of this State, any other state, or the United
25 States;

26 (2) the person has been convicted of any violation of

1 Article 28 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, or substantially similar laws of any other
3 jurisdiction;

4 (3) the person has submitted an application for a
5 license under this Act which contains false information;

6 (4) the person is a member of the Board;

7 (5) a person defined in (1), (2), (3), or (4) is an
8 officer, director, or managerial employee of the entity;

9 (6) the entity employs a person defined in (1), (2),
10 (3), or (4) who participates in the management or
11 operation of gambling operations authorized under this
12 Act;

13 (7) (blank); or

14 (8) a license of the person or entity issued under
15 this Act, or a license to own or operate gambling
16 facilities in any other jurisdiction, has been revoked.

17 The Board is expressly prohibited from making changes to
18 the requirement that licensees make payment into the Horse
19 Racing Equity Trust Fund without the express authority of the
20 Illinois General Assembly and making any other rule to
21 implement or interpret Public Act 95-1008 ~~this amendatory Act~~
22 ~~of the 95th General Assembly~~. For the purposes of this
23 paragraph, "rules" is given the meaning given to that term in
24 Section 1-70 of the Illinois Administrative Procedure Act.

25 (b) In determining whether to grant an owners license to
26 an applicant, the Board shall consider:

1 (1) the character, reputation, experience, and
2 financial integrity of the applicants and of any other or
3 separate person that either:

4 (A) controls, directly or indirectly, such
5 applicant;~~7~~ or

6 (B) is controlled, directly or indirectly, by such
7 applicant or by a person which controls, directly or
8 indirectly, such applicant;

9 (2) the facilities or proposed facilities for the
10 conduct of gambling;

11 (3) the highest prospective total revenue to be
12 derived by the State from the conduct of gambling;

13 (4) the extent to which the ownership of the applicant
14 reflects the diversity of the State by including minority
15 persons, women, veterans, and persons with a disability
16 and the good faith affirmative action plan of each
17 applicant to recruit, train and upgrade minority persons,
18 women, veterans, and persons with a disability in all
19 employment classifications; the Board shall further
20 consider granting an owners license and giving preference
21 to an applicant under this Section to applicants in which
22 minority persons and women hold ownership interest of at
23 least 16% and 4%, respectively;~~7~~

24 (4.5) the extent to which the ownership of the
25 applicant includes veterans of service in the armed forces
26 of the United States, and the good faith affirmative

1 action plan of each applicant to recruit, train, and
2 upgrade veterans of service in the armed forces of the
3 United States in all employment classifications;

4 (5) the financial ability of the applicant to purchase
5 and maintain adequate liability and casualty insurance;

6 (6) whether the applicant has adequate capitalization
7 to provide and maintain, for the duration of a license, a
8 riverboat or casino;

9 (7) the extent to which the applicant exceeds or meets
10 other standards for the issuance of an owners license
11 which the Board may adopt by rule;

12 (8) the amount of the applicant's license bid;

13 (9) the extent to which the applicant or the proposed
14 host municipality plans to enter into revenue sharing
15 agreements with communities other than the host
16 municipality; and

17 (10) the extent to which the ownership of an applicant
18 includes the most qualified number of minority persons,
19 women, and persons with a disability.

20 (c) Each owners license shall specify the place where the
21 casino shall operate or the riverboat shall operate and dock.

22 (d) Each applicant shall submit with his or her
23 application, on forms provided by the Board, 2 sets of his or
24 her fingerprints.

25 (e) In addition to any licenses authorized under
26 subsection (e-5) of this Section, the Board may issue up to 10

1 licenses authorizing the holders of such licenses to own
2 riverboats. In the application for an owners license, the
3 applicant shall state the dock at which the riverboat is based
4 and the water on which the riverboat will be located. The Board
5 shall issue 5 licenses to become effective not earlier than
6 January 1, 1991. Three of such licenses shall authorize
7 riverboat gambling on the Mississippi River, or, with approval
8 by the municipality in which the riverboat was docked on
9 August 7, 2003 and with Board approval, be authorized to
10 relocate to a new location, in a municipality that (1) borders
11 on the Mississippi River or is within 5 miles of the city
12 limits of a municipality that borders on the Mississippi River
13 and (2) on August 7, 2003, had a riverboat conducting
14 riverboat gambling operations pursuant to a license issued
15 under this Act; one of which shall authorize riverboat
16 gambling from a home dock in the city of East St. Louis; and
17 one of which shall authorize riverboat gambling from a home
18 dock in the City of Alton. One other license shall authorize
19 riverboat gambling on the Illinois River in the City of East
20 Peoria or, with Board approval, shall authorize land-based
21 gambling operations anywhere within the corporate limits of
22 the City of Peoria. The Board shall issue one additional
23 license to become effective not earlier than March 1, 1992,
24 which shall authorize riverboat gambling on the Des Plaines
25 River in Will County. The Board may issue 4 additional
26 licenses to become effective not earlier than March 1, 1992.

1 In determining the water upon which riverboats will operate,
2 the Board shall consider the economic benefit which riverboat
3 gambling confers on the State, and shall seek to assure that
4 all regions of the State share in the economic benefits of
5 riverboat gambling.

6 In granting all licenses, the Board may give favorable
7 consideration to economically depressed areas of the State, to
8 applicants presenting plans which provide for significant
9 economic development over a large geographic area, and to
10 applicants who currently operate non-gambling riverboats in
11 Illinois. The Board shall review all applications for owners
12 licenses, and shall inform each applicant of the Board's
13 decision. The Board may grant an owners license to an
14 applicant that has not submitted the highest license bid, but
15 if it does not select the highest bidder, the Board shall issue
16 a written decision explaining why another applicant was
17 selected and identifying the factors set forth in this Section
18 that favored the winning bidder. The fee for issuance or
19 renewal of a license pursuant to this subsection (e) shall be
20 \$250,000.

21 (e-5) In addition to licenses authorized under subsection
22 (e) of this Section:

23 (1) the Board may issue one owners license authorizing
24 the conduct of casino gambling in the City of Chicago;

25 (2) the Board may issue one owners license authorizing
26 the conduct of riverboat gambling in the City of Danville;

1 (3) the Board may issue one owners license authorizing
2 the conduct of riverboat gambling in the City of Waukegan;

3 (4) the Board may issue one owners license authorizing
4 the conduct of riverboat gambling in the City of Rockford;

5 (5) the Board may issue one owners license authorizing
6 the conduct of riverboat gambling in a municipality that
7 is wholly or partially located in one of the following
8 townships of Cook County: Bloom, Bremen, Calumet, Rich,
9 Thornton, or Worth Township; and

10 (6) the Board may issue one owners license authorizing
11 the conduct of riverboat gambling in the unincorporated
12 area of Williamson County adjacent to the Big Muddy River.

13 Except for the license authorized under paragraph (1),
14 each application for a license pursuant to this subsection
15 (e-5) shall be submitted to the Board no later than 120 days
16 after June 28, 2019 (the effective date of Public Act 101-31).
17 All applications for a license under this subsection (e-5)
18 shall include the nonrefundable application fee and the
19 nonrefundable background investigation fee as provided in
20 subsection (d) of Section 6 of this Act. In the event that an
21 applicant submits an application for a license pursuant to
22 this subsection (e-5) prior to June 28, 2019 (the effective
23 date of Public Act 101-31), such applicant shall submit the
24 nonrefundable application fee and background investigation fee
25 as provided in subsection (d) of Section 6 of this Act no later
26 than 6 months after June 28, 2019 (the effective date of Public

1 Act 101-31).

2 The Board shall consider issuing a license pursuant to
3 paragraphs (1) through (6) of this subsection only after the
4 corporate authority of the municipality or the county board of
5 the county in which the riverboat or casino shall be located
6 has certified to the Board the following:

7 (i) that the applicant has negotiated with the
8 corporate authority or county board in good faith;

9 (ii) that the applicant and the corporate authority or
10 county board have mutually agreed on the permanent
11 location of the riverboat or casino;

12 (iii) that the applicant and the corporate authority
13 or county board have mutually agreed on the temporary
14 location of the riverboat or casino;

15 (iv) that the applicant and the corporate authority or
16 the county board have mutually agreed on the percentage of
17 revenues that will be shared with the municipality or
18 county, if any;

19 (v) that the applicant and the corporate authority or
20 county board have mutually agreed on any zoning,
21 licensing, public health, or other issues that are within
22 the jurisdiction of the municipality or county;

23 (vi) that the corporate authority or county board has
24 passed a resolution or ordinance in support of the
25 riverboat or casino in the municipality or county;

26 (vii) the applicant for a license under paragraph (1)

1 has made a public presentation concerning its casino
2 proposal; and

3 (viii) the applicant for a license under paragraph (1)
4 has prepared a summary of its casino proposal and such
5 summary has been posted on a public website of the
6 municipality or the county.

7 At least 7 days before the corporate authority of a
8 municipality or county board of the county submits a
9 certification to the Board concerning items (i) through (viii)
10 of this subsection, it shall hold a public hearing to discuss
11 items (i) through (viii), as well as any other details
12 concerning the proposed riverboat or casino in the
13 municipality or county. The corporate authority or county
14 board must subsequently memorialize the details concerning the
15 proposed riverboat or casino in a resolution that must be
16 adopted by a majority of the corporate authority or county
17 board before any certification is sent to the Board. The Board
18 shall not alter, amend, change, or otherwise interfere with
19 any agreement between the applicant and the corporate
20 authority of the municipality or county board of the county
21 regarding the location of any temporary or permanent facility.

22 In addition, within 10 days after June 28, 2019 (the
23 effective date of Public Act 101-31), the Board, with consent
24 and at the expense of the City of Chicago, shall select and
25 retain the services of a nationally recognized casino gaming
26 feasibility consultant. Within 45 days after June 28, 2019

1 (the effective date of Public Act 101-31), the consultant
2 shall prepare and deliver to the Board a study concerning the
3 feasibility of, and the ability to finance, a casino in the
4 City of Chicago. The feasibility study shall be delivered to
5 the Mayor of the City of Chicago, the Governor, the President
6 of the Senate, and the Speaker of the House of
7 Representatives. Ninety days after receipt of the feasibility
8 study, the Board shall make a determination, based on the
9 results of the feasibility study, whether to recommend to the
10 General Assembly that the terms of the license under paragraph
11 (1) of this subsection (e-5) should be modified. The Board may
12 begin accepting applications for the owners license under
13 paragraph (1) of this subsection (e-5) upon the determination
14 to issue such an owners license.

15 In addition, prior to the Board issuing the owners license
16 authorized under paragraph (4) of subsection (e-5), an impact
17 study shall be completed to determine what location in the
18 city will provide the greater impact to the region, including
19 the creation of jobs and the generation of tax revenue.

20 (e-10) The licenses authorized under subsection (e-5) of
21 this Section shall be issued within 12 months after the date
22 the license application is submitted. If the Board does not
23 issue the licenses within that time period, then the Board
24 shall give a written explanation to the applicant as to why it
25 has not reached a determination and when it reasonably expects
26 to make a determination. The fee for the issuance or renewal of

1 a license issued pursuant to this subsection (e-10) shall be
2 \$250,000. Additionally, a licensee located outside of Cook
3 County shall pay a minimum initial fee of \$17,500 per gaming
4 position, and a licensee located in Cook County shall pay a
5 minimum initial fee of \$30,000 per gaming position. The
6 initial fees payable under this subsection (e-10) shall be
7 deposited into the Rebuild Illinois Projects Fund. If at any
8 point after June 1, 2020 there are no pending applications for
9 a license under subsection (e-5) and not all licenses
10 authorized under subsection (e-5) have been issued, then the
11 Board shall reopen the license application process for those
12 licenses authorized under subsection (e-5) that have not been
13 issued. The Board shall follow the licensing process provided
14 in subsection (e-5) with all time frames tied to the last date
15 of a final order issued by the Board under subsection (e-5)
16 rather than the effective date of the amendatory Act.

17 (e-15) Each licensee of a license authorized under
18 subsection (e-5) of this Section shall make a reconciliation
19 payment 3 years after the date the licensee begins operating
20 in an amount equal to 75% of the adjusted gross receipts for
21 the most lucrative 12-month period of operations, minus an
22 amount equal to the initial payment per gaming position paid
23 by the specific licensee. Each licensee shall pay a
24 \$15,000,000 reconciliation fee upon issuance of an owners
25 license. If this calculation results in a negative amount,
26 then the licensee is not entitled to any reimbursement of fees

1 previously paid. This reconciliation payment may be made in
2 installments over a period of no more than 6 years.

3 All payments by licensees under this subsection (e-15)
4 shall be deposited into the Rebuild Illinois Projects Fund.

5 (e-20) In addition to any other revocation powers granted
6 to the Board under this Act, the Board may revoke the owners
7 license of a licensee which fails to begin conducting gambling
8 within 15 months of receipt of the Board's approval of the
9 application if the Board determines that license revocation is
10 in the best interests of the State.

11 (f) The first 10 owners licenses issued under this Act
12 shall permit the holder to own up to 2 riverboats and equipment
13 thereon for a period of 3 years after the effective date of the
14 license. Holders of the first 10 owners licenses must pay the
15 annual license fee for each of the 3 years during which they
16 are authorized to own riverboats.

17 (g) Upon the termination, expiration, or revocation of
18 each of the first 10 licenses, which shall be issued for a
19 3-year period, all licenses are renewable annually upon
20 payment of the fee and a determination by the Board that the
21 licensee continues to meet all of the requirements of this Act
22 and the Board's rules. However, for licenses renewed on or
23 after May 1, 1998, renewal shall be for a period of 4 years,
24 unless the Board sets a shorter period.

25 (h) An owners license, except for an owners license issued
26 under subsection (e-5) of this Section, shall entitle the

1 licensee to own up to 2 riverboats.

2 An owners licensee of a casino or riverboat that is
3 located in the City of Chicago pursuant to paragraph (1) of
4 subsection (e-5) of this Section shall limit the number of
5 gaming positions to 4,000 for such owner. An owners licensee
6 authorized under subsection (e) or paragraph (2), (3), (4), or
7 (5) of subsection (e-5) of this Section shall limit the number
8 of gaming positions to 2,000 for any such owners license. An
9 owners licensee authorized under paragraph (6) of subsection
10 (e-5) of this Section shall limit the number of gaming
11 positions to 1,200 for such owner. The initial fee for each
12 gaming position obtained on or after June 28, 2019 (the
13 effective date of Public Act 101-31) shall be a minimum of
14 \$17,500 for licensees not located in Cook County and a minimum
15 of \$30,000 for licensees located in Cook County, in addition
16 to the reconciliation payment, as set forth in subsection
17 (e-15) of this Section. The fees under this subsection (h)
18 shall be deposited into the Rebuild Illinois Projects Fund.
19 The fees under this subsection (h) that are paid by an owners
20 licensee authorized under subsection (e) shall be paid by July
21 1, 2021.

22 Each owners licensee under subsection (e) of this Section
23 shall reserve its gaming positions within 30 days after June
24 28, 2019 (the effective date of Public Act 101-31). The Board
25 may grant an extension to this 30-day period, provided that
26 the owners licensee submits a written request and explanation

1 as to why it is unable to reserve its positions within the
2 30-day period.

3 Each owners licensee under subsection (e-5) of this
4 Section shall reserve its gaming positions within 30 days
5 after issuance of its owners license. The Board may grant an
6 extension to this 30-day period, provided that the owners
7 licensee submits a written request and explanation as to why
8 it is unable to reserve its positions within the 30-day
9 period.

10 A licensee may operate both of its riverboats
11 concurrently, provided that the total number of gaming
12 positions on both riverboats does not exceed the limit
13 established pursuant to this subsection. Riverboats licensed
14 to operate on the Mississippi River and the Illinois River
15 south of Marshall County shall have an authorized capacity of
16 at least 500 persons. Any other riverboat licensed under this
17 Act shall have an authorized capacity of at least 400 persons.

18 (h-5) An owners licensee who conducted gambling operations
19 prior to January 1, 2012 and obtains positions pursuant to
20 Public Act 101-31 shall make a reconciliation payment 3 years
21 after any additional gaming positions begin operating in an
22 amount equal to 75% of the owners licensee's average gross
23 receipts for the most lucrative 12-month period of operations
24 minus an amount equal to the initial fee that the owners
25 licensee paid per additional gaming position. For purposes of
26 this subsection (h-5), "average gross receipts" means (i) the

1 increase in adjusted gross receipts for the most lucrative
2 12-month period of operations over the adjusted gross receipts
3 for 2019, multiplied by (ii) the percentage derived by
4 dividing the number of additional gaming positions that an
5 owners licensee had obtained by the total number of gaming
6 positions operated by the owners licensee. If this calculation
7 results in a negative amount, then the owners licensee is not
8 entitled to any reimbursement of fees previously paid. This
9 reconciliation payment may be made in installments over a
10 period of no more than 6 years. These reconciliation payments
11 shall be deposited into the Rebuild Illinois Projects Fund.

12 (i) A licensed owner is authorized to apply to the Board
13 for and, if approved therefor, to receive all licenses from
14 the Board necessary for the operation of a riverboat or
15 casino, including a liquor license, a license to prepare and
16 serve food for human consumption, and other necessary
17 licenses. All use, occupation, and excise taxes which apply to
18 the sale of food and beverages in this State and all taxes
19 imposed on the sale or use of tangible personal property apply
20 to such sales aboard the riverboat or in the casino.

21 (j) The Board may issue or re-issue a license authorizing
22 a riverboat to dock in a municipality or approve a relocation
23 under Section 11.2 only if, prior to the issuance or
24 re-issuance of the license or approval, the governing body of
25 the municipality in which the riverboat will dock has by a
26 majority vote approved the docking of riverboats in the

1 municipality. The Board may issue or re-issue a license
2 authorizing a riverboat to dock in areas of a county outside
3 any municipality or approve a relocation under Section 11.2
4 only if, prior to the issuance or re-issuance of the license or
5 approval, the governing body of the county has by a majority
6 vote approved of the docking of riverboats within such areas.

7 (k) An owners licensee may conduct land-based gambling
8 operations upon approval by the Board and payment of a fee of
9 \$250,000, which shall be deposited into the State Gaming Fund.

10 (l) An owners licensee may conduct gaming at a temporary
11 facility pending the construction of a permanent facility or
12 the remodeling or relocation of an existing facility to
13 accommodate gaming participants for up to 24 months after the
14 temporary facility begins to conduct gaming. Upon request by
15 an owners licensee and upon a showing of good cause by the
16 owners licensee, the Board shall extend the period during
17 which the licensee may conduct gaming at a temporary facility
18 by up to 12 months. The Board shall make rules concerning the
19 conduct of gaming from temporary facilities.

20 (Source: P.A. 100-391, eff. 8-25-17; 100-1152, eff. 12-14-18;
21 101-31, eff. 6-28-19; 101-648, eff. 6-30-20; revised 8-19-20.)

22 (230 ILCS 10/7.6)

23 Sec. 7.6. Business enterprise program.

24 (a) For the purposes of this Section, the terms
25 "minority", "minority-owned business", "woman", "women-owned

1 business", "person with a disability", "veteran",
2 "veteran-owned business", and "business owned by a person with
3 a disability" have the meanings ascribed to them in the
4 Business Enterprise for Minorities, Women, Veterans, and
5 Persons with Disabilities Act.

6 (b) The Board shall, by rule, establish goals for the
7 award of contracts by each owners licensee to businesses owned
8 by minorities, women, veterans, and persons with disabilities,
9 expressed as percentages of an owners licensee's total dollar
10 amount of contracts awarded during each calendar year. Each
11 owners licensee must make every effort to meet the goals
12 established by the Board pursuant to this Section. When
13 setting the goals for the award of contracts, the Board shall
14 not include contracts where: (1) any purchasing mandates would
15 be dependent upon the availability of minority-owned
16 businesses, women-owned businesses, veteran-owned businesses,
17 and businesses owned by persons with disabilities ready,
18 willing, and able with capacity to provide quality goods and
19 services to a gaming operation at reasonable prices; (2) there
20 are no or a limited number of licensed suppliers as defined by
21 this Act for the goods or services provided to the licensee;
22 (3) the licensee or its parent company owns a company that
23 provides the goods or services; or (4) the goods or services
24 are provided to the licensee by a publicly traded company.

25 (c) Each owners licensee shall file with the Board an
26 annual report of its utilization of minority-owned businesses,

1 women-owned businesses, veteran-owned businesses, and
2 businesses owned by persons with disabilities during the
3 preceding calendar year. The reports shall include a
4 self-evaluation of the efforts of the owners licensee to meet
5 its goals under this Section.

6 (c-5) The Board shall, by rule, establish goals for the
7 award of contracts by each owners licensee to businesses owned
8 by veterans of service in the armed forces of the United
9 States, expressed as percentages of an owners licensee's total
10 dollar amount of contracts awarded during each calendar year.
11 When setting the goals for the award of contracts, the Board
12 shall not include contracts where: (1) any purchasing mandates
13 would be dependent upon the availability of veteran-owned
14 businesses ready, willing, and able with capacity to provide
15 quality goods and services to a gaming operation at reasonable
16 prices; (2) there are no or a limited number of licensed
17 suppliers as defined in this Act for the goods or services
18 provided to the licensee; (3) the licensee or its parent
19 company owns a company that provides the goods or services; or
20 (4) the goods or services are provided to the licensee by a
21 publicly traded company.

22 Each owners licensee shall file with the Board an annual
23 report of its utilization of veteran-owned businesses during
24 the preceding calendar year. The reports shall include a
25 self-evaluation of the efforts of the owners licensee to meet
26 its goals under this Section.

1 (d) The owners licensee shall have the right to request a
2 waiver from the requirements of this Section. The Board shall
3 grant the waiver where the owners licensee demonstrates that
4 there has been made a good faith effort to comply with the
5 goals for participation by minority-owned businesses,
6 women-owned businesses, businesses owned by persons with
7 disabilities, and veteran-owned businesses.

8 (e) If the Board determines that its goals and policies
9 are not being met by any owners licensee, then the Board may:

10 (1) adopt remedies for such violations; and

11 (2) recommend that the owners licensee provide
12 additional opportunities for participation by
13 minority-owned businesses, women-owned businesses,
14 businesses owned by persons with disabilities, and
15 veteran-owned businesses; such recommendations may
16 include, but shall not be limited to:

17 (A) assurances of stronger and better focused
18 solicitation efforts to obtain more minority-owned
19 businesses, women-owned businesses, businesses owned
20 by persons with disabilities, and veteran-owned
21 businesses as potential sources of supply;

22 (B) division of job or project requirements, when
23 economically feasible, into tasks or quantities to
24 permit participation of minority-owned businesses,
25 women-owned businesses, businesses owned by persons
26 with disabilities, and veteran-owned businesses;

1 (C) elimination of extended experience or
2 capitalization requirements, when programmatically
3 feasible, to permit participation of minority-owned
4 businesses, women-owned businesses, businesses owned
5 by persons with disabilities, and veteran-owned
6 businesses;

7 (D) identification of specific proposed contracts
8 as particularly attractive or appropriate for
9 participation by minority-owned businesses,
10 women-owned businesses, businesses owned by persons
11 with disabilities, and veteran-owned businesses, such
12 identification to result from and be coupled with the
13 efforts of items (A) through (C); and

14 (E) implementation of regulations established for
15 the use of the sheltered market process.

16 (f) The Board shall file, no later than March 1 of each
17 year, an annual report that shall detail the level of
18 achievement toward the goals specified in this Section over
19 the 3 most recent fiscal years. The annual report shall
20 include, but need not be limited to:

21 (1) a summary detailing expenditures subject to the
22 goals, the actual goals specified, and the goals attained
23 by each owners licensee; and

24 (2) an analysis of the level of overall goal
25 achievement concerning purchases from minority-owned
26 businesses, women-owned businesses, businesses owned by

1 persons with disabilities, and veteran-owned businesses.

2 (Source: P.A. 99-78, eff. 7-20-15; 100-391, eff. 8-25-17;

3 100-1152, eff. 12-14-18.)

4 (230 ILCS 10/11.2)

5 Sec. 11.2. Relocation of riverboat home dock.

6 (a) A licensee that was not conducting riverboat gambling
7 on January 1, 1998 may apply to the Board for renewal and
8 approval of relocation to a new home dock location authorized
9 under Section 3(c) and the Board shall grant the application
10 and approval upon receipt by the licensee of approval from the
11 new municipality or county, as the case may be, in which the
12 licensee wishes to relocate pursuant to Section 7(j).

13 (b) Any licensee that relocates its home dock pursuant to
14 this Section shall attain a level of at least 20% minority
15 person and woman ownership, at least 16% and 4% respectively,
16 within a time period prescribed by the Board, but not to exceed
17 12 months from the date the licensee begins conducting
18 gambling at the new home dock location. The 12-month period
19 shall be extended by the amount of time necessary to conduct a
20 background investigation pursuant to Section 6. For the
21 purposes of this Section, the terms "woman" and "minority
22 person" have the meanings provided in Section 2 of the
23 Business Enterprise for Minorities, Women, Veterans, and
24 Persons with Disabilities Act.

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

1 Section 190. The Quincy Veterans' Home Rehabilitation and
2 Rebuilding Act is amended by changing Sections 5, 15, 30, and
3 46 as follows:

4 (330 ILCS 21/5)

5 (Section scheduled to be repealed on July 17, 2023)

6 Sec. 5. Legislative policy. It is the intent of the
7 General Assembly that the Capital Development Board or the
8 Department of Veterans' Affairs be allowed to use the
9 design-build delivery method for public projects to renovate,
10 restore, rehabilitate, or rebuild the Quincy Veterans' Home,
11 if it is shown to be in the State's best interests for that
12 particular project. It shall be the policy of the Capital
13 Development Board and the Department of Veterans' Affairs in
14 the procurement of design-build services to publicly announce
15 all requirements for design-build services for the Quincy
16 Veterans' Home and to procure these services on the basis of
17 demonstrated competence and qualifications and with due regard
18 for the principles of competitive selection.

19 The Capital Development Board and the Department of
20 Veterans' Affairs shall, prior to issuing requests for
21 proposals, promulgate and publish procedures for the
22 solicitation and award of contracts pursuant to this Act.

23 The Capital Development Board and the Department of
24 Veterans' Affairs shall, for each public project or projects

1 permitted under this Act, make a written determination,
2 including a description as to the particular advantages of the
3 design-build procurement method, that it is in the best
4 interests of this State to enter into a design-build contract
5 for the project or projects. In making that determination, the
6 following factors shall be considered:

7 (1) The probability that the design-build procurement
8 method will be in the best interests of the State by
9 providing a material savings of time or cost over the
10 design-bid-build or other delivery system.

11 (2) The type and size of the project and its
12 suitability to the design-build procurement method.

13 (3) The ability of the State construction agency to
14 define and provide comprehensive scope and performance
15 criteria for the project.

16 No State construction agency may use a design-build
17 procurement method unless the agency determines in writing
18 that the project will comply with the disadvantaged business
19 and equal employment practices of the State as established in
20 the Business Enterprise for Minorities, Women, Veterans, and
21 Persons with Disabilities Act and Section 2-105 of the
22 Illinois Human Rights Act.

23 The Capital Development Board or the Department of
24 Veterans' Affairs shall, within 15 days after the initial
25 determination, provide an advisory copy to the Procurement
26 Policy Board and maintain the full record of determination for

1 5 years.

2 (Source: P.A. 100-610, eff. 7-17-18.)

3 (330 ILCS 21/15)

4 (Section scheduled to be repealed on July 17, 2023)

5 Sec. 15. Solicitation of proposals.

6 (a) When the State construction agency elects to use the
7 design-build delivery method, it must issue a notice of intent
8 to receive requests for proposals for the project at least 14
9 days before issuing the request for proposal. The State
10 construction agency must publish the advance notice in the
11 official procurement bulletin of the State or the professional
12 services bulletin of the State construction agency, if any.
13 The agency is encouraged to use publication of the notice in
14 related construction industry service publications. A brief
15 description of the proposed procurement must be included in
16 the notice. The State construction agency must provide a copy
17 of the request for proposal to any party requesting a copy.

18 (b) The request for proposal shall be prepared for each
19 project and must contain, without limitation, the following
20 information:

21 (1) The name of the State construction agency.

22 (2) A preliminary schedule for the completion of the
23 contract.

24 (3) The proposed budget for the project, the source of
25 funds, and the currently available funds at the time the

1 request for proposal is submitted.

2 (4) Prequalification criteria for design-build
3 entities wishing to submit proposals. The State
4 construction agency shall include, at a minimum, its
5 normal prequalification, licensing, registration, and
6 other requirements, but nothing contained herein precludes
7 the use of additional prequalification criteria by the
8 State construction agency.

9 (5) Material requirements of the contract, including,
10 but not limited to, the proposed terms and conditions,
11 required performance and payment bonds, insurance, and the
12 entity's plan to comply with the utilization goals for
13 business enterprises established in the Business
14 Enterprise for Minorities, Women, Veterans, and Persons
15 with Disabilities Act, and with Section 2-105 of the
16 Illinois Human Rights Act.

17 (6) The performance criteria.

18 (7) The evaluation criteria for each phase of the
19 solicitation.

20 (8) The number of entities that will be considered for
21 the technical and cost evaluation phase.

22 (c) The State construction agency may include any other
23 relevant information that it chooses to supply. The
24 design-build entity shall be entitled to rely upon the
25 accuracy of this documentation in the development of its
26 proposal.

1 (d) The date that proposals are due must be at least 21
2 calendar days after the date of the issuance of the request for
3 proposal. In the event the cost of the project is estimated to
4 exceed \$10,000,000, then the proposal due date must be at
5 least 28 calendar days after the date of the issuance of the
6 request for proposal. The State construction agency shall
7 include in the request for proposal a minimum of 30 days to
8 develop the Phase II submissions after the selection of
9 entities from the Phase I evaluation is completed.

10 (Source: P.A. 100-610, eff. 7-17-18.)

11 (330 ILCS 21/30)

12 (Section scheduled to be repealed on July 17, 2023)

13 Sec. 30. Procedures for selection.

14 (a) The State construction agency must use a two-phase
15 procedure for the selection of the successful design-build
16 entity. Phase I of the procedure will evaluate and shortlist
17 the design-build entities based on qualifications, and Phase
18 II will evaluate the technical and cost proposals.

19 (b) The State construction agency shall include in the
20 request for proposal the evaluating factors to be used in
21 Phase I. These factors are in addition to any prequalification
22 requirements of design-build entities that the agency has set
23 forth. Each request for proposal shall establish the relative
24 importance assigned to each evaluation factor and subfactor,
25 including any weighting of criteria to be employed by the

1 State construction agency. The State construction agency must
2 maintain a record of the evaluation scoring to be disclosed in
3 the event of a protest regarding the solicitation.

4 The State construction agency shall include the following
5 criteria in every Phase I evaluation of design-build entities:
6 (1) experience of personnel; (2) successful experience with
7 similar project types; (3) financial capability; (4)
8 timeliness of past performance; (5) experience with similarly
9 sized projects; (6) successful reference checks of the firm;
10 (7) commitment to assign personnel for the duration of the
11 project and qualifications of the entity's consultants; and
12 (8) ability or past performance in meeting or exhausting good
13 faith efforts to meet the utilization goals for business
14 enterprises established in the Business Enterprise for
15 Minorities, Women, Veterans, and Persons with Disabilities Act
16 and with Section 2-105 of the Illinois Human Rights Act. The
17 State construction agency may include any additional relevant
18 criteria in Phase I that it deems necessary for a proper
19 qualification review.

20 The State construction agency may not consider any
21 design-build entity for evaluation or award if the entity has
22 any pecuniary interest in the project or has other
23 relationships or circumstances, including, but not limited to,
24 long-term leasehold, mutual performance, or development
25 contracts with the State construction agency, that may give
26 the design-build entity a financial or tangible advantage over

1 other design-build entities in the preparation, evaluation, or
2 performance of the design-build contract or that create the
3 appearance of impropriety. No proposal shall be considered
4 that does not include an entity's plan to comply with the
5 requirements established in the Business Enterprise for
6 Minorities, Women, Veterans, and Persons with Disabilities
7 Act, for both the design and construction areas of
8 performance, and with Section 2-105 of the Illinois Human
9 Rights Act.

10 Upon completion of the qualifications evaluation, the
11 State construction agency shall create a shortlist of the most
12 highly qualified design-build entities. The State construction
13 agency, in its discretion, is not required to shortlist the
14 maximum number of entities as identified for Phase II
15 evaluation, so long as no less than 2 design-build entities
16 nor more than 6 design-build entities are selected to submit
17 Phase II proposals.

18 The State construction agency shall notify the entities
19 selected for the shortlist in writing. This notification shall
20 commence the period for the preparation of the Phase II
21 technical and cost evaluations. The State construction agency
22 must allow sufficient time for the shortlist entities to
23 prepare their Phase II submittals considering the scope and
24 detail requested by the State agency.

25 (c) The State construction agency shall include in the
26 request for proposal the evaluating factors to be used in the

1 technical and cost submission components of Phase II. Each
2 request for proposal shall establish, for both the technical
3 and cost submission components of Phase II, the relative
4 importance assigned to each evaluation factor and subfactor,
5 including any weighting of criteria to be employed by the
6 State construction agency. The State construction agency must
7 maintain a record of the evaluation scoring to be disclosed in
8 the event of a protest regarding the solicitation.

9 The State construction agency shall include the following
10 criteria in every Phase II technical evaluation of
11 design-build entities: (1) compliance with objectives of the
12 project; (2) compliance of proposed services to the request
13 for proposal requirements; (3) quality of products or
14 materials proposed; (4) quality of design parameters; (5)
15 design concepts; (6) innovation in meeting the scope and
16 performance criteria; and (7) constructability of the proposed
17 project. The State construction agency may include any
18 additional relevant technical evaluation factors it deems
19 necessary for proper selection.

20 The State construction agency shall include the following
21 criteria in every Phase II cost evaluation: the total project
22 cost, the construction costs, and the time of completion. The
23 State construction agency may include any additional relevant
24 technical evaluation factors it deems necessary for proper
25 selection. The total project cost criteria weighting factor
26 shall be 25%.

1 The State construction agency shall directly employ or
2 retain a licensed design professional to evaluate the
3 technical and cost submissions to determine if the technical
4 submissions are in accordance with generally accepted industry
5 standards.

6 Upon completion of the technical submissions and cost
7 submissions evaluation, the State construction agency may
8 award the design-build contract to the highest overall ranked
9 entity.

10 (Source: P.A. 100-610, eff. 7-17-18; 101-81, eff. 7-12-19.)

11 (330 ILCS 21/46)

12 (Section scheduled to be repealed on July 17, 2023)

13 Sec. 46. Reports and evaluation. At the end of every
14 6-month period following the contract award, and again prior
15 to final contract payout and closure, a selected design-build
16 entity shall detail, in a written report submitted to the
17 State agency, its efforts and success in implementing the
18 entity's plan to comply with the utilization goals for
19 business enterprises established in the Business Enterprise
20 for Minorities, Women, Veterans, and Persons with Disabilities
21 Act and Section 2-105 of the Illinois Human Rights Act. If the
22 entity's performance in implementing the plan falls short of
23 the performance measures and outcomes set forth in the plans
24 submitted by the entity during the proposal process, the
25 entity shall, in a detailed written report, inform the General

1 Assembly and the Governor whether and to what degree each
2 design-build contract authorized under this Act promoted the
3 utilization goals for business enterprises established in the
4 Business Enterprise for Minorities, Women, Veterans, and
5 Persons with Disabilities Act and Section 2-105 of the
6 Illinois Human Rights Act.

7 (Source: P.A. 100-610, eff. 7-17-18.)

8 Section 195. The Environmental Protection Act is amended
9 by changing Section 14.7 as follows:

10 (415 ILCS 5/14.7)

11 Sec. 14.7. Preservation of community water supplies.

12 (a) The Agency shall adopt rules governing certain
13 corrosion prevention projects carried out on community water
14 supplies. Those rules shall not apply to buried pipelines
15 including, but not limited to, pipes, mains, and joints. The
16 rules shall exclude routine maintenance activities of
17 community water supplies including, but not limited to, the
18 use of protective coatings applied by the owner's utility
19 personnel during the course of performing routine maintenance
20 activities. Routine maintenance activities shall include, but
21 not be limited to, the painting of fire hydrants; routine
22 over-coat painting of interior and exterior building surfaces
23 such as floors, doors, windows, and ceilings; and routine
24 touch-up and over-coat application of protective coatings

1 typically found on water utility pumps, pipes, tanks, and
2 other water treatment plant appurtenances and utility owned
3 structures. Those rules shall include:

4 (1) standards for ensuring that community water
5 supplies carry out corrosion prevention and mitigation
6 methods according to corrosion prevention industry
7 standards adopted by the Agency;

8 (2) requirements that community water supplies use:

9 (A) protective coatings personnel to carry out
10 corrosion prevention and mitigation methods on exposed
11 water treatment tanks, exposed non-concrete water
12 treatment structures, exposed water treatment pipe
13 galleys; exposed pumps; and generators; the Agency
14 shall not limit to protective coatings personnel any
15 other work relating to prevention and mitigation
16 methods on any other water treatment appurtenances
17 where protective coatings are utilized for corrosion
18 control and prevention to prolong the life of the
19 water utility asset; and

20 (B) inspectors to ensure that best practices and
21 standards are adhered to on each corrosion prevention
22 project; and

23 (3) standards to prevent environmental degradation
24 that might occur as a result of carrying out corrosion
25 prevention and mitigation methods including, but not
26 limited to, standards to prevent the improper handling and

1 containment of hazardous materials, especially lead paint,
2 removed from the exterior of a community water supply.

3 In adopting rules under this subsection (a), the Agency
4 shall obtain input from corrosion industry experts
5 specializing in the training of personnel to carry out
6 corrosion prevention and mitigation methods.

7 (b) As used in this Section:

8 "Community water supply" has the meaning ascribed to that
9 term in Section 3.145 of this Act.

10 "Corrosion" means a naturally occurring phenomenon
11 commonly defined as the deterioration of a metal that results
12 from a chemical or electrochemical reaction with its
13 environment.

14 "Corrosion prevention and mitigation methods" means the
15 preparation, application, installation, removal, or general
16 maintenance as necessary of a protective coating system,
17 including any or more of the following:

18 (A) surface preparation and coating application on
19 the exterior or interior of a community water supply;

20 or

21 (B) shop painting of structural steel fabricated
22 for installation as part of a community water supply.

23 "Corrosion prevention project" means carrying out
24 corrosion prevention and mitigation methods. "Corrosion
25 prevention project" does not include clean-up related to
26 surface preparation.

1 "Protective coatings personnel" means personnel employed
2 or retained by a contractor providing services covered by this
3 Section to carry out corrosion prevention or mitigation
4 methods or inspections.

5 (c) (Blank).

6 (d) Each contract procured pursuant to the Illinois
7 Procurement Code for the provision of services covered by this
8 Section (1) shall comply with applicable provisions of the
9 Illinois Procurement Code and (2) shall include provisions for
10 reporting participation by minority persons, women, and
11 veterans, as defined by Section 2 of the Business Enterprise
12 for Minorities, Women, Veterans, and Persons with Disabilities
13 Act; ~~women, as defined by Section 2 of the Business Enterprise~~
14 ~~for Minorities, Women, and Persons with Disabilities Act; and~~
15 ~~veterans, as defined by Section 45-57 of the Illinois~~
16 ~~Procurement Code~~, in apprenticeship and training programs in
17 which the contractor or his or her subcontractors participate.
18 The requirements of this Section do not apply to an individual
19 licensed under the Professional Engineering Practice Act of
20 1989 or the Structural Engineering Act of 1989.

21 (Source: P.A. 100-391, eff. 8-25-17; 101-226, eff. 6-1-20.)

22 Section 200. The Public Private Agreements for the Illiana
23 Expressway Act is amended by changing Section 20 as follows:

24 (605 ILCS 130/20)

1 Sec. 20. Procurement; request for proposals process.

2 (a) Notwithstanding any provision of law to the contrary,
3 the Department on behalf of the State shall select a
4 contractor through a competitive request for proposals process
5 governed by the Illinois Procurement Code and rules adopted
6 under that Code and this Act.

7 (b) The competitive request for proposals process shall,
8 at a minimum, solicit statements of qualification and
9 proposals from offerors.

10 (c) The competitive request for proposals process shall,
11 at a minimum, take into account the following criteria:

12 (1) The offeror's plans for the Illiana Expressway
13 project;

14 (2) The offeror's current and past business practices;

15 (3) The offeror's poor or inadequate past performance
16 in developing, financing, constructing, managing, or
17 operating highways or other public assets;

18 (4) The offeror's ability to meet and past performance
19 in meeting or exhausting good faith efforts to meet the
20 utilization goals for business enterprises established in
21 the Business Enterprise for Minorities, Women, Veterans,
22 and Persons with Disabilities Act;

23 (5) The offeror's ability to comply with and past
24 performance in complying with Section 2-105 of the
25 Illinois Human Rights Act; and

26 (6) The offeror's plans to comply with the Business

1 Enterprise for Minorities, Women, Veterans, and Persons
2 with Disabilities Act and Section 2-105 of the Illinois
3 Human Rights Act.

4 (d) The Department shall retain the services of an advisor
5 or advisors with significant experience in the development,
6 financing, construction, management, or operation of public
7 assets to assist in the preparation of the request for
8 proposals.

9 (e) The Department shall not include terms in the request
10 for proposals that provide an advantage, whether directly or
11 indirectly, to any contractor presently providing goods,
12 services, or equipment to the Department.

13 (f) The Department shall select at least 2 offerors as
14 finalists. The Department shall submit the offerors'
15 statements of qualification and proposals to the Commission on
16 Government Forecasting and Accountability and the Procurement
17 Policy Board, which shall, within 30 days of the submission,
18 complete a review of the statements of qualification and
19 proposals and, jointly or separately, report on, at a minimum,
20 the satisfaction of the criteria contained in the request for
21 proposals, the qualifications of the offerors, and the value
22 of the proposals to the State. The Department shall not select
23 an offeror as the contractor for the Illiana Expressway
24 project until it has received and considered the findings of
25 the Commission on Government Forecasting and Accountability
26 and the Procurement Policy Board as set forth in their

1 respective reports.

2 (g) Before awarding a public private agreement to an
3 offeror, the Department shall schedule and hold a public
4 hearing or hearings on the proposed public private agreement
5 and publish notice of the hearing or hearings at least 7 days
6 before the hearing and in accordance with Section 4-219 of the
7 Illinois Highway Code. The notice must include the following:

8 (1) the date, time, and place of the hearing and the
9 address of the Department;

10 (2) the subject matter of the hearing;

11 (3) a description of the agreement that may be
12 awarded; and

13 (4) the recommendation that has been made to select an
14 offeror as the contractor for the Illiana Expressway
15 project.

16 At the hearing, the Department shall allow the public to
17 be heard on the subject of the hearing.

18 (h) After the procedures required in this Section have
19 been completed, the Department shall make a determination as
20 to whether the offeror should be designated as the contractor
21 for the Illiana Expressway project and shall submit the
22 decision to the Governor and to the Governor's Office of
23 Management and Budget. After review of the Department's
24 determination, the Governor may accept or reject the
25 determination. If the Governor accepts the determination of
26 the Department, the Governor shall designate the offeror for

1 the Illiana Expressway project.

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

3 Section 205. The Public-Private Agreements for the South
4 Suburban Airport Act is amended by changing Section 2-30 as
5 follows:

6 (620 ILCS 75/2-30)

7 Sec. 2-30. Request for proposals process to enter into
8 public-private agreements.

9 (a) Notwithstanding any provisions of the Illinois
10 Procurement Code, the Department, on behalf of the State,
11 shall select a contractor through a competitive request for
12 proposals process governed by Section 2-30 of this Act. The
13 Department will consult with the chief procurement officer for
14 construction or construction-related activities designated
15 pursuant to clause (2) of Section 1-15.15 of the Illinois
16 Procurement Code on the competitive request for proposals
17 process, and the Secretary will determine, in consultation
18 with the chief procurement officer, which procedures to adopt
19 and apply to the competitive request for proposals process in
20 order to ensure an open, transparent, and efficient process
21 that accomplishes the purposes of this Act.

22 (b) The competitive request for proposals process shall,
23 at a minimum, solicit statements of qualification and
24 proposals from offerors.

1 (c) The competitive request for proposals process shall,
2 at a minimum, take into account the following criteria:

3 (1) the offeror's plans for the South Suburban Airport
4 project;

5 (2) the offeror's current and past business practices;

6 (3) the offeror's poor or inadequate past performance
7 in developing, financing, constructing, managing, or
8 operating airports or other public assets;

9 (4) the offeror's ability to meet the utilization
10 goals for business enterprises established in the Business
11 Enterprise for Minorities, Women, Veterans, and Persons
12 with Disabilities Act;

13 (5) the offeror's ability to comply with Section 2-105
14 of the Illinois Human Rights Act; and

15 (6) the offeror's plans to comply with the Business
16 Enterprise for Minorities, Women, Veterans, and Persons
17 with Disabilities Act and Section 2-105 of the Illinois
18 Human Rights Act.

19 (d) The Department shall retain the services of an advisor
20 or advisors with significant experience in the development,
21 financing, construction, management, or operation of public
22 assets to assist in the preparation of the request for
23 proposals.

24 (e) The Department shall not include terms in the request
25 for proposals that provide an advantage, whether directly or
26 indirectly, to any contractor presently providing goods,

1 services, or equipment to the Department.

2 (f) The Department shall select one or more offerors as
3 finalists. The Department shall submit the offeror's
4 statements of qualification and proposals to the Commission on
5 Government Forecasting and Accountability and the Procurement
6 Policy Board, which shall, within 30 days after the
7 submission, complete a review of the statements of
8 qualification and proposals and, jointly or separately, report
9 on, at a minimum, the satisfaction of the criteria contained
10 in the request for proposals, the qualifications of the
11 offerors, and the value of the proposals to the State. The
12 Department shall not select an offeror as the contractor for
13 the South Suburban Airport project until it has received and
14 considered the findings of the Commission on Government
15 Forecasting and Accountability and the Procurement Policy
16 Board as set forth in their respective reports.

17 (g) Before awarding a public-private agreement to an
18 offeror, the Department shall schedule and hold a public
19 hearing or hearings on the proposed public-private agreement
20 and publish notice of the hearing or hearings at least 7 days
21 before the hearing. The notice shall include the following:

22 (1) the date, time, and place of the hearing and the
23 address of the Department;

24 (2) the subject matter of the hearing;

25 (3) a description of the agreement that may be
26 awarded; and

1 (4) the recommendation that has been made to select an
2 offeror as the contractor for the South Suburban Airport
3 project.

4 At the hearing, the Department shall allow the public to
5 be heard on the subject of the hearing.

6 (h) After the procedures required in this Section have
7 been completed, the Department shall make a determination as
8 to whether the offeror should be designated as the contractor
9 for the South Suburban Airport project and shall submit the
10 decision to the Governor and to the Governor's Office of
11 Management and Budget. After review of the Department's
12 determination, the Governor may accept or reject the
13 determination. If the Governor accepts the determination of
14 the Department, the Governor shall designate the offeror for
15 the South Suburban Airport project.

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

17 Section 210. The Public-Private Partnerships for
18 Transportation Act is amended by changing Section 25 as
19 follows:

20 (630 ILCS 5/25)

21 Sec. 25. Design-build procurement.

22 (a) This Section 25 shall apply only to transportation
23 projects for which the Department or the Authority intends to
24 execute a design-build agreement, in which case the Department

1 or the Authority shall abide by the requirements and
2 procedures of this Section 25 in addition to other applicable
3 requirements and procedures set forth in this Act.

4 (b)(1) The transportation agency must issue a notice of
5 intent to receive proposals for the project at least 14 days
6 before issuing the request for the qualifications. The
7 transportation agency must publish the advance notice in a
8 daily newspaper of general circulation in the county where the
9 transportation agency is located. The transportation agency is
10 encouraged to use publication of the notice in related
11 construction industry service publications. A brief
12 description of the proposed procurement must be included in
13 the notice. The transportation agency must provide a copy of
14 the request for qualifications to any party requesting a copy.

15 (2) The request for qualifications shall be prepared for
16 each project and must contain, without limitation, the
17 following information: (i) the name of the transportation
18 agency; (ii) a preliminary schedule for the completion of the
19 contract; (iii) the proposed budget for the project and the
20 source of funds, to the extent not already reflected in the
21 Department's Multi-Year Highway Improvement Program; (iv) the
22 shortlisting process for entities or groups of entities such
23 as unincorporated joint ventures wishing to submit proposals
24 (the transportation agency shall include, at a minimum, its
25 normal prequalification, licensing, registration, and other
26 requirements, but nothing contained herein precludes the use

1 of additional criteria by the transportation agency); (v) a
2 summary of anticipated material requirements of the contract,
3 including but not limited to, the proposed terms and
4 conditions, required performance and payment bonds, insurance,
5 and the utilization goals established by the transportation
6 agency for minority and women business enterprises and
7 compliance with Section 2-105 of the Illinois Human Rights
8 Act; and (vi) the anticipated number of entities that will be
9 shortlisted for the request for proposals phase.

10 (3) The transportation agency may include any other
11 relevant information in the request for qualifications that it
12 chooses to supply. The private entity shall be entitled to
13 rely upon the accuracy of this documentation in the
14 development of its statement of qualifications and its
15 proposal only to the extent expressly warranted by the
16 transportation agency.

17 (4) The date that statements of qualifications are due
18 must be at least 21 calendar days after the date of the
19 issuance of the request for qualifications. In the event the
20 cost of the project is estimated to exceed \$12,000,000, then
21 the statement of qualifications due date must be at least 28
22 calendar days after the date of the issuance of the request for
23 qualifications. The transportation agency shall include in the
24 request for proposals a minimum of 30 days to develop the
25 proposals after the selection of entities from the evaluation
26 of the statements of qualifications is completed.

1 (c)(1) The transportation agency shall develop, with the
2 assistance of a licensed design professional, the request for
3 qualifications and the request for proposals, which shall
4 include scope and performance criteria. The scope and
5 performance criteria must be in sufficient detail and contain
6 adequate information to reasonably apprise the private
7 entities of the transportation agency's overall programmatic
8 needs and goals, including criteria and preliminary design
9 plans, general budget parameters, schedule, and delivery
10 requirements.

11 (2) Each request for qualifications and request for
12 proposals shall also include a description of the level of
13 design to be provided in the proposals. This description must
14 include the scope and type of renderings, drawings, and
15 specifications that, at a minimum, will be required by the
16 transportation agency to be produced by the private entities.

17 (3) The scope and performance criteria shall be prepared
18 by a design professional who is an employee of the
19 transportation agency, or the transportation agency may
20 contract with an independent design professional selected
21 under the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act to provide these services.

23 (4) The design professional that prepares the scope and
24 performance criteria is prohibited from participating in any
25 private entity proposal for the project.

26 (d)(1) The transportation agency must use a two phase

1 procedure for the selection of the successful design-build
2 entity. The request for qualifications phase will evaluate and
3 shortlist the private entities based on qualifications, and
4 the request for proposals will evaluate the technical and cost
5 proposals.

6 (2) The transportation agency shall include in the request
7 for qualifications the evaluating factors to be used in the
8 request for qualifications phase. These factors are in
9 addition to any prequalification requirements of private
10 entities that the transportation agency has set forth. Each
11 request for qualifications shall establish the relative
12 importance assigned to each evaluation factor, including any
13 weighting of criteria to be employed by the transportation
14 agency. The transportation agency must maintain a record of
15 the evaluation scoring to be disclosed in event of a protest
16 regarding the solicitation.

17 The transportation agency shall include the following
18 criteria in every request for qualifications phase evaluation
19 of private entities: (i) experience of personnel; (ii)
20 successful experience with similar project types; (iii)
21 financial capability; (iv) timeliness of past performance; (v)
22 experience with similarly sized projects; (vi) successful
23 reference checks of the firm; (vii) commitment to assign
24 personnel for the duration of the project and qualifications
25 of the entity's consultants; and (viii) ability or past
26 performance in meeting or exhausting good faith efforts to

1 meet the utilization goals for business enterprises
2 established in the Business Enterprise for Minorities, Women,
3 Veterans, and Persons with Disabilities Act and in complying
4 with Section 2-105 of the Illinois Human Rights Act. No
5 proposal shall be considered that does not include an entity's
6 plan to comply with the requirements regarding minority and
7 women business enterprises and economically disadvantaged
8 firms established by the transportation agency and with
9 Section 2-105 of the Illinois Human Rights Act. The
10 transportation agency may include any additional relevant
11 criteria in the request for qualifications phase that it deems
12 necessary for a proper qualification review.

13 Upon completion of the qualifications evaluation, the
14 transportation agency shall create a shortlist of the most
15 highly qualified private entities.

16 The transportation agency shall notify the entities
17 selected for the shortlist in writing. This notification shall
18 commence the period for the preparation of the request for
19 proposals phase technical and cost evaluations. The
20 transportation agency must allow sufficient time for the
21 shortlist entities to prepare their proposals considering the
22 scope and detail requested by the transportation agency.

23 (3) The transportation agency shall include in the request
24 for proposals the evaluating factors to be used in the
25 technical and cost submission components. Each request for
26 proposals shall establish, for both the technical and cost

1 submission components, the relative importance assigned to
2 each evaluation factor, including any weighting of criteria to
3 be employed by the transportation agency. The transportation
4 agency must maintain a record of the evaluation scoring to be
5 disclosed in event of a protest regarding the solicitation.

6 The transportation agency shall include the following
7 criteria in every request for proposals phase technical
8 evaluation of private entities: (i) compliance with objectives
9 of the project; (ii) compliance of proposed services to the
10 request for proposal requirements; (iii) compliance with the
11 request for proposal requirements of products or materials
12 proposed; (iv) quality of design parameters; and (v) design
13 concepts. The transportation agency may include any additional
14 relevant technical evaluation factors it deems necessary for
15 proper selection.

16 The transportation agency shall include the following
17 criteria in every request for proposals phase cost evaluation:
18 the total project cost and the time of completion. The
19 transportation agency may include any additional relevant
20 technical evaluation factors it deems necessary for proper
21 selection. The guaranteed maximum project cost criteria
22 weighing factor shall not exceed 30%.

23 The transportation agency shall directly employ or retain
24 a licensed design professional to evaluate the technical and
25 cost submissions to determine if the technical submissions are
26 in accordance with generally accepted industry standards.

1 (e) Statements of qualifications and proposals must be
2 properly identified and sealed. Statements of qualifications
3 and proposals may not be reviewed until after the deadline for
4 submission has passed as set forth in the request for
5 qualifications or the request for proposals. All private
6 entities submitting statements of qualifications or proposals
7 shall be disclosed after the deadline for submission, and all
8 private entities who are selected for request for proposals
9 phase evaluation shall also be disclosed at the time of that
10 determination.

11 Design-build proposals shall include a bid bond in the
12 form and security as designated in the request for proposals.
13 Proposals shall also contain a separate sealed envelope with
14 the cost information within the overall proposal submission.
15 Proposals shall include a list of all design professionals and
16 other entities to which any work identified in Section 30-30
17 of the Illinois Procurement Code as a subdivision of
18 construction work may be subcontracted during the performance
19 of the contract to the extent known at the time of proposal. If
20 the information is not known at the time of proposal, then the
21 design-build agreement shall require the identification prior
22 to a previously unlisted subcontractor commencing work on the
23 transportation project.

24 Statements of qualifications and proposals must meet all
25 material requirements of the request for qualifications or
26 request for proposals, or else they may be rejected as

1 non-responsive. The transportation agency shall have the right
2 to reject any and all statements of qualifications and
3 proposals.

4 The private entity's proprietary intellectual property
5 contained in the drawings and specifications of any
6 unsuccessful statement of qualifications or proposal shall
7 remain the property of the private entity.

8 The transportation agency shall review the statements of
9 qualifications and the proposals for compliance with the
10 performance criteria and evaluation factors.

11 Statements of qualifications and proposals may be
12 withdrawn prior to the due date and time for submissions for
13 any cause. After evaluation begins by the transportation
14 agency, clear and convincing evidence of error is required for
15 withdrawal.

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

17 Section 215. The Criminal Code of 2012 is amended by
18 changing Sections 17-10.2, 17-10.3, 33E-2, and 33E-6 as
19 follows:

20 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

21 Sec. 17-10.2. Businesses owned by minorities, women
22 ~~females~~, veterans, and persons with disabilities; fraudulent
23 contracts with governmental units.

24 (a) In this Section:

1 "Minority person" means a person who is any of the
2 following:

3 (1) American Indian or Alaska Native (a person having
4 origins in any of the original peoples of North and South
5 America, including Central America, and who maintains
6 tribal affiliation or community attachment).

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

12 (3) Black or African American (a person having origins
13 in any of the black racial groups of Africa). Terms such as
14 "Haitian" or "Negro" can be used in addition to "Black or
15 African American".

16 (4) Hispanic or Latino (a person of Cuban, Mexican,
17 Puerto Rican, South or Central American, or other Spanish
18 culture or origin, regardless of race).

19 (5) Native Hawaiian or Other Pacific Islander (a
20 person having origins in any of the original peoples of
21 Hawaii, Guam, Samoa, or other Pacific Islands).

22 "Woman" ~~"Female"~~ means a person who is of the female
23 gender.

24 "Person with a disability" means a person who is a
25 person qualifying as having a disability.

26 "Veteran" means a person who (i) has been a member of

1 the armed forces of the United States or, while a citizen
2 of the United States, was a member of the armed forces of
3 allies of the United States in time of hostilities with a
4 foreign country and (ii) has served under one or more of
5 the following conditions: (a) the veteran served a total
6 of at least 6 months; (b) the veteran served for the
7 duration of hostilities regardless of the length of the
8 engagement; (c) the veteran was discharged on the basis of
9 hardship; or (d) the veteran was released from active duty
10 because of a service connected disability and was
11 discharged under honorable conditions.

12 "Disability" means a severe physical or mental
13 disability that: (1) results from: amputation, arthritis,
14 autism, blindness, burn injury, cancer, cerebral palsy,
15 cystic fibrosis, deafness, head injury, heart disease,
16 hemiplegia, hemophilia, respiratory or pulmonary
17 dysfunction, an intellectual disability, mental illness,
18 multiple sclerosis, muscular dystrophy, musculoskeletal
19 disorders, neurological disorders, including stroke and
20 epilepsy, paraplegia, quadriplegia and other spinal cord
21 conditions, sickle cell anemia, specific learning
22 disabilities, or end stage renal failure disease; and (2)
23 substantially limits one or more of the person's major
24 life activities.

25 "Minority-owned business" means a business which is at
26 least 51% owned by one or more minority persons, or in the

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

6 "Women-owned business" means a business which is at
7 least 51% owned by one or more women, or, in the case of a
8 corporation, at least 51% of the stock in which is owned by
9 one or more women; and the management and daily business
10 operations of which are controlled by one or more of the
11 women who own it.

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

21 "Veteran-owned business" means a business which is at
22 least 51% owned by one or more veterans, or, in the case of
23 a corporation, at least 51% of the stock in which is owned
24 by one or more veterans; and the management and daily
25 business operations of which are controlled by one or more
26 of the veterans who own it.

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

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

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

23 "Governmental unit" means the State, a unit of local
24 government, or school district.

25 "Armed forces of the United States" means the United
26 States Army, Navy, Air Force, Marine Corps, Coast Guard,

1 or service in active duty as defined under 38 U.S.C.
2 Section 101. Service in the Merchant Marine that
3 constitutes active duty under Section 401 of federal
4 Public Act 95-202 shall also be considered service in the
5 armed forces for purposes of this Section.

6 "Time of hostilities with a foreign country" means any
7 period of time in the past, present, or future during
8 which a declaration of war by the United States Congress
9 has been or is in effect or during which an emergency
10 condition has been or is in effect that is recognized by
11 the issuance of a Presidential proclamation or a
12 Presidential executive order and in which the armed forces
13 expeditionary medal or other campaign service medals are
14 awarded according to Presidential executive order.

15 (b) In addition to any other penalties imposed by law or by
16 an ordinance or resolution of a unit of local government or
17 school district, any individual or entity that knowingly
18 obtains, or knowingly assists another to obtain, a contract
19 with a governmental unit, or a subcontract or written
20 commitment for a subcontract under a contract with a
21 governmental unit, by falsely representing that the individual
22 or entity, or the individual or entity assisted, is a minority
23 owned business, female owned business, or business owned by a
24 person with a disability is guilty of a Class 2 felony,
25 regardless of whether the preference for awarding the contract
26 to a minority owned business, female owned business, or

1 business owned by a person with a disability was established
2 by statute or by local ordinance or resolution.

3 (c) In addition to any other penalties authorized by law,
4 the court shall order that an individual or entity convicted
5 of a violation of this Section must pay to the governmental
6 unit that awarded the contract a penalty equal to one and
7 one-half times the amount of the contract obtained because of
8 the false representation.

9 (Source: P.A. 99-143, eff. 7-27-15.)

10 (720 ILCS 5/17-10.3)

11 Sec. 17-10.3. Deception relating to certification of
12 disadvantaged business enterprises.

13 (a) Fraudulently obtaining or retaining certification. A
14 person who, in the course of business, fraudulently obtains or
15 retains certification as a minority-owned business,
16 women-owned business, ~~service disabled veteran owned small~~
17 ~~business, or veteran-owned small business,~~ or a business owned
18 by a person with a disability commits a Class 2 felony.

19 (b) Willfully making a false statement. A person who, in
20 the course of business, willfully makes a false statement
21 whether by affidavit, report or other representation, to an
22 official or employee of a State agency or the Business
23 Enterprise Council for Minorities, Women, Veterans, and
24 Persons with Disabilities for the purpose of influencing the
25 certification or denial of certification of any business

1 entity as a minority-owned business, women-owned business,
2 ~~service-disabled veteran-owned small business, or~~
3 ~~veteran-owned small business,~~ or a business owned by a person
4 with a disability commits a Class 2 felony.

5 (c) Willfully obstructing or impeding an official or
6 employee of any agency in his or her investigation. Any person
7 who, in the course of business, willfully obstructs or impedes
8 an official or employee of any State agency or the Business
9 Enterprise Council for Minorities, Women, Veterans, and
10 Persons with Disabilities who is investigating the
11 qualifications of a business entity which has requested
12 certification as a minority-owned business, women-owned
13 business, ~~service-disabled veteran-owned small business, or~~
14 ~~veteran-owned small business,~~ or a business owned by a person
15 with a disability commits a Class 2 felony.

16 (d) Fraudulently obtaining public moneys reserved for
17 disadvantaged business enterprises. Any person who, in the
18 course of business, fraudulently obtains public moneys
19 reserved for, or allocated or available to, minority-owned
20 businesses, women-owned businesses, ~~service-disabled~~
21 ~~veteran-owned small businesses, or~~ veteran-owned ~~small~~
22 businesses, or businesses owned by persons with a disability
23 commits a Class 2 felony.

24 (e) Definitions. As used in this Article, "minority-owned
25 business", "women-owned business", "veteran-owned business",
26 "business owned by a person with a disability", "State agency"

1 with respect to minority-owned businesses, ~~and~~ women-owned
2 businesses, , veteran-owned businesses, and businesses owned
3 by persons with a disability and "certification" with respect
4 to minority-owned businesses, ~~and~~ women-owned businesses,
5 veteran-owned businesses, and businesses owned by persons with
6 a disability shall have the meanings ascribed to them in
7 Section 2 of the Business Enterprise for Minorities, Women,
8 Veterans, and Persons with Disabilities Act. ~~As used in this~~
9 ~~Article, "service disabled veteran owned small business",~~
10 ~~"veteran owned small business", "State agency" with respect to~~
11 ~~service disabled veteran owned small businesses and~~
12 ~~veteran owned small businesses, and "certification" with~~
13 ~~respect to service disabled veteran owned small businesses and~~
14 ~~veteran owned small businesses have the same meanings as in~~
15 ~~Section 45-57 of the Illinois Procurement Code.~~

16 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
17 101-601, eff. 1-1-20.)

18 (720 ILCS 5/33E-2) (from Ch. 38, par. 33E-2)

19 Sec. 33E-2. Definitions. In this Act:

20 (a) "Public contract" means any contract for goods,
21 services or construction let to any person with or without bid
22 by any unit of State or local government.

23 (b) "Unit of State or local government" means the State,
24 any unit of state government or agency thereof, any county or
25 municipal government or committee or agency thereof, or any

1 other entity which is funded by or expends tax dollars or the
2 proceeds of publicly guaranteed bonds.

3 (c) "Change order" means a change in a contract term other
4 than as specifically provided for in the contract which
5 authorizes or necessitates any increase or decrease in the
6 cost of the contract or the time to completion.

7 (d) "Person" means any individual, firm, partnership,
8 corporation, joint venture or other entity, but does not
9 include a unit of State or local government.

10 (e) "Person employed by any unit of State or local
11 government" means any employee of a unit of State or local
12 government and any person defined in subsection (d) who is
13 authorized by such unit of State or local government to act on
14 its behalf in relation to any public contract.

15 (f) "Sheltered market" has the meaning ascribed to it in
16 Section 8b of the Business Enterprise for Minorities, Women,
17 Veterans, and Persons with Disabilities Act; ~~except that, with~~
18 ~~respect to State contracts set aside for award to~~
19 ~~service disabled veteran owned small businesses and~~
20 ~~veteran owned small businesses pursuant to Section 45-57 of~~
21 ~~the Illinois Procurement Code, "sheltered market" means~~
22 ~~procurements pursuant to that Section.~~

23 (g) "Kickback" means any money, fee, commission, credit,
24 gift, gratuity, thing of value, or compensation of any kind
25 which is provided, directly or indirectly, to any prime
26 contractor, prime contractor employee, subcontractor, or

1 subcontractor employee for the purpose of improperly obtaining
2 or rewarding favorable treatment in connection with a prime
3 contract or in connection with a subcontract relating to a
4 prime contract.

5 (h) "Prime contractor" means any person who has entered
6 into a public contract.

7 (i) "Prime contractor employee" means any officer,
8 partner, employee, or agent of a prime contractor.

9 (i-5) "Stringing" means knowingly structuring a contract
10 or job order to avoid the contract or job order being subject
11 to competitive bidding requirements.

12 (j) "Subcontract" means a contract or contractual action
13 entered into by a prime contractor or subcontractor for the
14 purpose of obtaining goods or services of any kind under a
15 prime contract.

16 (k) "Subcontractor" (1) means any person, other than the
17 prime contractor, who offers to furnish or furnishes any goods
18 or services of any kind under a prime contract or a subcontract
19 entered into in connection with such prime contract; and (2)
20 includes any person who offers to furnish or furnishes goods
21 or services to the prime contractor or a higher tier
22 subcontractor.

23 (l) "Subcontractor employee" means any officer, partner,
24 employee, or agent of a subcontractor.

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

1 (720 ILCS 5/33E-6) (from Ch. 38, par. 33E-6)

2 Sec. 33E-6. Interference with contract submission and
3 award by public official.

4 (a) Any person who is an official of or employed by any
5 unit of State or local government who knowingly conveys,
6 either directly or indirectly, outside of the publicly
7 available official invitation to bid, pre-bid conference,
8 solicitation for contracts procedure or such procedure used in
9 any sheltered market procurement adopted pursuant to law or
10 ordinance by that unit of government, to any person any
11 information concerning the specifications for such contract or
12 the identity of any particular potential subcontractors, when
13 inclusion of such information concerning the specifications or
14 contractors in the bid or offer would influence the likelihood
15 of acceptance of such bid or offer, commits a Class 4 felony.
16 It shall not constitute a violation of this subsection to
17 convey information intended to clarify plans or specifications
18 regarding a public contract where such disclosure of
19 information is also made generally available to the public.

20 (b) Any person who is an official of or employed by any
21 unit of State or local government who, either directly or
22 indirectly, knowingly informs a bidder or offeror that the bid
23 or offer will be accepted or executed only if specified
24 individuals are included as subcontractors commits a Class 3
25 felony.

26 (c) It shall not constitute a violation of subsection (a)

1 of this Section where any person who is an official of or
2 employed by any unit of State or local government follows
3 procedures established ~~(i)~~ by federal, State or local
4 minority, woman, veteran, or person with a disability ~~or~~
5 ~~female~~ owned business enterprise programs ~~or (ii) pursuant to~~
6 ~~Section 45-57 of the Illinois Procurement Code.~~

7 (d) Any bidder or offeror who is the recipient of
8 communications from the unit of government which he reasonably
9 believes to be proscribed by subsections (a) or (b), and fails
10 to inform either the Attorney General or the State's Attorney
11 for the county in which the unit of government is located,
12 commits a Class A misdemeanor.

13 (e) Any public official who knowingly awards a contract
14 based on criteria which were not publicly disseminated via the
15 invitation to bid, when such invitation to bid is required by
16 law or ordinance, the pre-bid conference, or any solicitation
17 for contracts procedure or such procedure used in any
18 sheltered market procurement procedure adopted pursuant to
19 statute or ordinance, commits a Class 3 felony.

20 (f) It shall not constitute a violation of subsection (a)
21 for any person who is an official of or employed by any unit of
22 State or local government to provide to any person a copy of
23 the transcript or other summary of any pre-bid conference
24 where such transcript or summary is also made generally
25 available to the public.

26 (Source: P.A. 97-260, eff. 8-5-11.)

1 Section 220. The Business Corporation Act of 1983 is
2 amended by changing Section 14.05 as follows:

3 (805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

4 Sec. 14.05. Annual report of domestic or foreign
5 corporation. Each domestic corporation organized under any
6 general law or special act of this State authorizing the
7 corporation to issue shares, other than homestead
8 associations, building and loan associations, banks and
9 insurance companies (which includes a syndicate or limited
10 syndicate regulated under Article V 1/2 of the Illinois
11 Insurance Code or member of a group of underwriters regulated
12 under Article V of that Code), and each foreign corporation
13 (except members of a group of underwriters regulated under
14 Article V of the Illinois Insurance Code) authorized to
15 transact business in this State, shall file, within the time
16 prescribed by this Act, an annual report setting forth:

17 (a) The name of the corporation.

18 (b) The address, including street and number, or rural
19 route number, of its registered office in this State, and
20 the name of its registered agent at that address.

21 (c) The address, including street and number, or rural
22 route number, of its principal office.

23 (d) The names and respective addresses, including
24 street and number, or rural route number, of its directors

1 and officers.

2 (e) A statement of the aggregate number of shares
3 which the corporation has authority to issue, itemized by
4 classes and series, if any, within a class.

5 (f) A statement of the aggregate number of issued
6 shares, itemized by classes, and series, if any, within a
7 class.

8 (g) A statement, expressed in dollars, of the amount
9 of paid-in capital of the corporation as defined in this
10 Act.

11 (h) Either a statement that (1) all the property of
12 the corporation is located in this State and all of its
13 business is transacted at or from places of business in
14 this State, or the corporation elects to pay the annual
15 franchise tax on the basis of its entire paid-in capital,
16 or (2) a statement, expressed in dollars, of the value of
17 all the property owned by the corporation, wherever
18 located, and the value of the property located within this
19 State, and a statement, expressed in dollars, of the gross
20 amount of business transacted by the corporation and the
21 gross amount thereof transacted by the corporation at or
22 from places of business in this State as of the close of
23 its fiscal year on or immediately preceding the last day
24 of the third month prior to the anniversary month or in the
25 case of a corporation which has established an extended
26 filing month, as of the close of its fiscal year on or

1 immediately preceding the last day of the third month
2 prior to the extended filing month; however, in the case
3 of a domestic corporation that has not completed its first
4 fiscal year, the statement with respect to property owned
5 shall be as of the last day of the third month preceding
6 the anniversary month and the statement with respect to
7 business transacted shall be furnished for the period
8 between the date of incorporation and the last day of the
9 third month preceding the anniversary month. In the case
10 of a foreign corporation that has not been authorized to
11 transact business in this State for a period of 12 months
12 and has not commenced transacting business prior to
13 obtaining authority, the statement with respect to
14 property owned shall be as of the last day of the third
15 month preceding the anniversary month and the statement
16 with respect to business transacted shall be furnished for
17 the period between the date of its authorization to
18 transact business in this State and the last day of the
19 third month preceding the anniversary month. If the data
20 referenced in item (2) of this subsection is not
21 completed, the franchise tax provided for in this Act
22 shall be computed on the basis of the entire paid-in
23 capital.

24 (i) A statement, including the basis therefor, of
25 status as a "minority-owned business" or as a "women-owned
26 business" as those terms are defined in the Business

1 Enterprise for Minorities, Women, Veterans, and Persons
2 with Disabilities Act.

3 (j) Additional information as may be necessary or
4 appropriate in order to enable the Secretary of State to
5 administer this Act and to verify the proper amount of
6 fees and franchise taxes payable by the corporation.

7 (k) A statement of whether the corporation or foreign
8 corporation has outstanding shares listed on a major
9 United States stock exchange and is thereby subject to the
10 reporting requirements of Section 8.12.

11 (l) For those corporations subject to Section 8.12, a
12 statement providing the information required under Section
13 8.12.

14 The annual report shall be made on forms prescribed and
15 furnished by the Secretary of State, and the information
16 therein required by paragraphs (a) through (d), both
17 inclusive, of this Section, shall be given as of the date of
18 the execution of the annual report and the information therein
19 required by paragraphs (e), (f), and (g) of this Section shall
20 be given as of the last day of the third month preceding the
21 anniversary month, except that the information required by
22 paragraphs (e), (f), and (g) shall, in the case of a
23 corporation which has established an extended filing month, be
24 given in its final transition annual report and each
25 subsequent annual report as of the close of its fiscal year on
26 or immediately preceding the last day of the third month prior

1 to its extended filing month. It shall be executed by the
2 corporation by its president, a vice-president, secretary,
3 assistant secretary, treasurer or other officer duly
4 authorized by the board of directors of the corporation to
5 execute those reports, and verified by him or her, or, if the
6 corporation is in the hands of a receiver or trustee, it shall
7 be executed on behalf of the corporation and verified by the
8 receiver or trustee.

9 (Source: P.A. 100-391, eff. 8-25-17; 100-486, eff. 1-1-18;
10 100-863, eff. 8-14-18; 101-589, eff. 8-27-19.)

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.

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3	40 ILCS 5/1-109.1	from Ch. 108 1/2, par. 1-109.1
4	40 ILCS 5/1-113.21	
5	40 ILCS 5/1-113.22	
6	55 ILCS 5/5-1134	
7	65 ILCS 115/10-5.3	
8	70 ILCS 210/10.2	
9	70 ILCS 210/23.1	from Ch. 85, par. 1243.1
10	70 ILCS 3205/9	from Ch. 85, par. 6009
11	70 ILCS 3210/40	
12	70 ILCS 3605/12c	
13	105 ILCS 5/10-20.44	
14	110 ILCS 62/3	
15	110 ILCS 62/5-10	
16	110 ILCS 675/20-115	
17	220 ILCS 5/9-220	from Ch. 111 2/3, par. 9-220
18	230 ILCS 5/12.1	from Ch. 8, par. 37-12.1
19	230 ILCS 5/12.2	
20	230 ILCS 10/4	from Ch. 120, par. 2404
21	230 ILCS 10/7	from Ch. 120, par. 2407
22	230 ILCS 10/7.6	
23	230 ILCS 10/11.2	
24	330 ILCS 21/5	
25	330 ILCS 21/15	
26	330 ILCS 21/30	

- 1 330 ILCS 21/46
- 2 415 ILCS 5/14.7
- 3 605 ILCS 130/20
- 4 620 ILCS 75/2-30
- 5 630 ILCS 5/25
- 6 720 ILCS 5/17-10.2 was 720 ILCS 5/17-29
- 7 720 ILCS 5/17-10.3
- 8 720 ILCS 5/33E-2 from Ch. 38, par. 33E-2
- 9 720 ILCS 5/33E-6 from Ch. 38, par. 33E-6
- 10 805 ILCS 5/14.05 from Ch. 32, par. 14.05