



Rep. Robyn Gabel

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LRB098 23521 RPS 62718 a

1 AMENDMENT TO SENATE BILL 636

2 AMENDMENT NO. _____. Amend Senate Bill 636, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 6, as follows:

5 on page 44, immediately below line 23, by inserting the
6 following:

7 "Section 27. The Business Enterprise for Minorities,
8 Females, and Persons with Disabilities Act is amended by
9 changing Section 2 as follows:

10 (30 ILCS 575/2)

11 (Section scheduled to be repealed on June 30, 2016)

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

1 citizen or lawful permanent resident of the United States
2 and who is any of the following:

3 (a) American Indian or Alaska Native (a person
4 having origins in any of the original peoples of North
5 and South America, including Central America, and who
6 maintains tribal affiliation or community attachment).

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

13 (c) Black or African American (a person having
14 origins in any of the black racial groups of Africa).
15 Terms such as "Haitian" or "Negro" can be used in
16 addition to "Black or African American".

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

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

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

26 (2.05) "Person with a disability" means a person who is

1 a citizen or lawful resident of the United States and is a
2 person qualifying as being disabled under subdivision
3 (2.1) of this subsection (A).

4 (2.1) "Disabled" means a severe physical or mental
5 disability that:

6 (a) results from:

7 amputation,

8 arthritis,

9 autism,

10 blindness,

11 burn injury,

12 cancer,

13 cerebral palsy,

14 Crohn's disease,

15 cystic fibrosis,

16 deafness,

17 head injury,

18 heart disease,

19 hemiplegia,

20 hemophilia,

21 respiratory or pulmonary dysfunction,

22 an intellectual disability,

23 mental illness,

24 multiple sclerosis,

25 muscular dystrophy,

26 musculoskeletal disorders,

1 neurological disorders, including stroke and
2 epilepsy,
3 paraplegia,
4 quadriplegia and other spinal cord conditions,
5 sickle cell anemia,
6 ulcerative colitis,
7 specific learning disabilities, or
8 end stage renal failure disease; and

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

11 Another disability or combination of disabilities may
12 also be considered as a severe disability for the purposes
13 of item (a) of this subdivision (2.1) if it is determined
14 by an evaluation of rehabilitation potential to cause a
15 comparable degree of substantial functional limitation
16 similar to the specific list of disabilities listed in item
17 (a) of this subdivision (2.1).

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

25 (4) "Female owned business" means a business concern
26 which is at least 51% owned by one or more females, or, in

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

5 (4.1) "Business owned by a person with a disability"
6 means a business concern that is at least 51% owned by one
7 or more persons with a disability and the management and
8 daily business operations of which are controlled by one or
9 more of the persons with disabilities who own it. A
10 not-for-profit agency for persons with disabilities that
11 is exempt from taxation under Section 501 of the Internal
12 Revenue Code of 1986 is also considered a "business owned
13 by a person with a disability".

14 (4.2) "Council" means the Business Enterprise Council
15 for Minorities, Females, and Persons with Disabilities
16 created under Section 5 of this Act.

17 (5) "State contracts" shall mean all State contracts,
18 funded exclusively with State funds which are not subject
19 to federal reimbursement, whether competitively bid or
20 negotiated as defined by the Secretary of the Council and
21 approved by the Council.

22 "State construction contracts" means all State
23 contracts entered into by a State agency or State
24 university for the repair, remodeling, renovation or
25 construction of a building or structure, or for the
26 construction or maintenance of a highway defined in Article

1 2 of the Illinois Highway Code.

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

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

1 (8) "Certification" means a determination made by the
2 Council or by one delegated authority from the Council to
3 make certifications, or by a State agency with statutory
4 authority to make such a certification, that a business
5 entity is a business owned by a minority, female, or person
6 with a disability for whatever purpose. A business owned
7 and controlled by females shall be certified as a "female
8 owned business". A business owned and controlled by females
9 who are also minorities shall be certified as both a
10 "female owned business" and a "minority owned business".

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

1 absentee ownership.

2 (10) "Business concern or business" means a business
3 that has annual gross sales of less than \$75,000,000 as
4 evidenced by the federal income tax return of the business.
5 A firm with gross sales in excess of this cap may apply to
6 the Council for certification for a particular contract if
7 the firm can demonstrate that the contract would have
8 significant impact on businesses owned by minorities,
9 females, or persons with disabilities as suppliers or
10 subcontractors or in employment of minorities, females, or
11 persons with disabilities.

12 (B) When a business concern is owned at least 51% by any
13 combination of minority persons, females, or persons with
14 disabilities, even though none of the 3 classes alone holds at
15 least a 51% interest, the ownership requirement for purposes of
16 this Act is considered to be met. The certification category
17 for the business is that of the class holding the largest
18 ownership interest in the business. If 2 or more classes have
19 equal ownership interests, the certification category shall be
20 determined by the business concern.

21 (Source: P.A. 97-227, eff. 1-1-12; 97-396, eff. 1-1-12; 97-813,
22 eff. 7-13-12; 98-95, eff. 7-17-13.)".