

# SB0101



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0101

Introduced 1/17/2025, by Sen. Michael E. Hastings

### SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-57

Amends the Illinois Procurement Code. Provides that the certification of service-disabled veteran-owned small businesses and veteran-owned small businesses is an exclusive power and function of the State. Denies home rule powers. Effective immediately.

LRB104 08027 JDS 18073 b

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 Illinois Procurement Code is amended by  
5 changing Section 45-57 as follows:

6 (30 ILCS 500/45-57)

7 Sec. 45-57. Veterans.

8 (a) Set-aside goal. It is the goal of the State to promote  
9 and encourage the continued economic development of small  
10 businesses owned and controlled by qualified veterans and that  
11 qualified service-disabled veteran-owned small businesses  
12 (referred to as SDVOSB) and veteran-owned small businesses  
13 (referred to as VOSB) participate in the State's procurement  
14 process as both prime contractors and subcontractors. Not less  
15 than 3% of the total dollar amount of State contracts, as  
16 defined by the Commission on Equity and Inclusion, shall be  
17 established as a goal to be awarded to SDVOSB and VOSB. That  
18 portion of a contract under which the contractor subcontracts  
19 with a SDVOSB or VOSB may be counted toward the goal of this  
20 subsection. The Commission on Equity and Inclusion shall adopt  
21 rules to implement compliance with this subsection by all  
22 State agencies.

23 (b) Fiscal year reports. By each November 1, each chief

1 procurement officer shall report to the Commission on Equity  
2 and Inclusion on all of the following for the immediately  
3 preceding fiscal year, and by each March 1 the Commission on  
4 Equity and Inclusion shall compile and report that information  
5 to the General Assembly:

6 (1) The total number of VOSB, and the number of  
7 SDVOSB, who submitted bids for contracts under this Code.

8 (2) The total number of VOSB, and the number of  
9 SDVOSB, who entered into contracts with the State under  
10 this Code and the total value of those contracts.

11 (b-5) The Commission on Equity and Inclusion shall submit  
12 an annual report to the Governor and the General Assembly that  
13 shall include the following:

14 (1) a year-by-year comparison of the number of  
15 certifications the State has issued to veteran-owned small  
16 businesses and service-disabled veteran-owned small  
17 businesses;

18 (2) the obstacles, if any, the Commission on Equity  
19 and Inclusion faces when certifying veteran-owned  
20 businesses and possible rules or changes to rules to  
21 address those issues;

22 (3) a year-by-year comparison of awarded contracts to  
23 certified veteran-owned small businesses and  
24 service-disabled veteran-owned small businesses; and

25 (4) any other information that the Commission on  
26 Equity and Inclusion deems necessary to assist

1 veteran-owned small businesses and service-disabled  
2 veteran-owned small businesses to become certified with  
3 the State.

4 The Commission on Equity and Inclusion shall conduct a  
5 minimum of 2 outreach events per year to ensure that  
6 veteran-owned small businesses and service-disabled  
7 veteran-owned small businesses know about the procurement  
8 opportunities and certification requirements with the State.  
9 The Commission on Equity and Inclusion may receive  
10 appropriations for outreach.

11 (b-10) The certifications of SDVOSB and VOSB are exclusive  
12 powers and functions of the State. A home rule unit may not  
13 certify a SDVOSB or VOSB. This subsection is a denial and  
14 limitation of home rule powers and functions under subsection  
15 (h) of Section 6 of Article VII of the Illinois Constitution.

16 (c) Yearly review and recommendations. Each year, each  
17 chief procurement officer shall review the progress of all  
18 State agencies under its jurisdiction in meeting the goal  
19 described in subsection (a), with input from statewide  
20 veterans' service organizations and from the business  
21 community, including businesses owned by qualified veterans,  
22 and shall make recommendations to be included in the  
23 Commission on Equity and Inclusion's report to the General  
24 Assembly regarding continuation, increases, or decreases of  
25 the percentage goal. The recommendations shall be based upon  
26 the number of businesses that are owned by qualified veterans

1 and on the continued need to encourage and promote businesses  
2 owned by qualified veterans.

3 (d) Governor's recommendations. To assist the State in  
4 reaching the goal described in subsection (a), the Governor  
5 shall recommend to the General Assembly changes in programs to  
6 assist businesses owned by qualified veterans.

7 (e) Definitions. As used in this Section:

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

15 "Certification" means a determination made by the Illinois  
16 Department of Veterans' Affairs and the Commission on Equity  
17 and Inclusion that a business entity is a qualified  
18 service-disabled veteran-owned small business or a qualified  
19 veteran-owned small business for whatever purpose. A SDVOSB or  
20 VOSB owned and controlled by women, minorities, or persons  
21 with disabilities, as those terms are defined in Section 2 of  
22 the Business Enterprise for Minorities, Women, and Persons  
23 with Disabilities Act, may also select and designate whether  
24 that business is to be certified as a "women-owned business",  
25 "minority-owned business", or "business owned by a person with  
26 a disability", as defined in Section 2 of the Business

1 Enterprise for Minorities, Women, and Persons with  
2 Disabilities Act.

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

19 "Qualified service-disabled veteran" means a veteran who  
20 has been found to have 10% or more service-connected  
21 disability by the United States Department of Veterans Affairs  
22 or the United States Department of Defense.

23 "Qualified service-disabled veteran-owned small business"  
24 or "SDVOSB" means a small business (i) that is at least 51%  
25 owned by one or more qualified service-disabled veterans  
26 living in Illinois or, in the case of a corporation, at least

1 51% of the stock of which is owned by one or more qualified  
2 service-disabled veterans living in Illinois; (ii) that has  
3 its home office in Illinois; and (iii) for which items (i) and  
4 (ii) are factually verified annually by the Commission on  
5 Equity and Inclusion.

6 "Qualified veteran-owned small business" or "VOSB" means a  
7 small business (i) that is at least 51% owned by one or more  
8 qualified veterans living in Illinois or, in the case of a  
9 corporation, at least 51% of the stock of which is owned by one  
10 or more qualified veterans living in Illinois; (ii) that has  
11 its home office in Illinois; and (iii) for which items (i) and  
12 (ii) are factually verified annually by the Commission on  
13 Equity and Inclusion.

14 "Service-connected disability" means a disability incurred  
15 in the line of duty in the active military, naval, or air  
16 service as described in 38 U.S.C. 101(16).

17 "Small business" means a business that has annual gross  
18 sales of less than \$150,000,000 as evidenced by the federal  
19 income tax return of the business. A firm with gross sales in  
20 excess of this cap may apply to the Commission on Equity and  
21 Inclusion for certification for a particular contract if the  
22 firm can demonstrate that the contract would have significant  
23 impact on SDVOSB or VOSB as suppliers or subcontractors or in  
24 employment of veterans or service-disabled veterans.

25 "State agency" has the meaning provided in Section  
26 1-15.100 of this Code.

1 "Time of hostilities with a foreign country" means any  
2 period of time in the past, present, or future during which a  
3 declaration of war by the United States Congress has been or is  
4 in effect or during which an emergency condition has been or is  
5 in effect that is recognized by the issuance of a Presidential  
6 proclamation or a Presidential executive order and in which  
7 the armed forces expeditionary medal or other campaign service  
8 medals are awarded according to Presidential executive order.

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

20 (f) Certification program. The Illinois Department of  
21 Veterans' Affairs and the Commission on Equity and Inclusion  
22 shall work together to devise a certification procedure to  
23 assure that businesses taking advantage of this Section are  
24 legitimately classified as qualified service-disabled  
25 veteran-owned small businesses or qualified veteran-owned  
26 small businesses.



1 The Commission on Equity and Inclusion shall:

2 (1) compile and maintain a comprehensive list of  
3 certified veteran-owned small businesses and  
4 service-disabled veteran-owned small businesses;

5 (2) assist veteran-owned small businesses and  
6 service-disabled veteran-owned small businesses in  
7 complying with the procedures for bidding on State  
8 contracts;

9 (3) provide training for State agencies regarding the  
10 goal setting process and compliance with veteran-owned  
11 small business and service-disabled veteran-owned small  
12 business goals; and

13 (4) implement and maintain an electronic portal on the  
14 Commission on Equity and Inclusion's website for the  
15 purpose of completing and submitting veteran-owned small  
16 business and service-disabled veteran-owned small business  
17 certificates.

18 The Commission on Equity and Inclusion, in consultation  
19 with the Department of Veterans' Affairs, may develop programs  
20 and agreements to encourage cities, counties, towns,  
21 townships, and other certifying entities to adopt uniform  
22 certification procedures and certification recognition  
23 programs.

24 (f-5) A business shall be certified by the Commission on  
25 Equity and Inclusion as a service-disabled veteran-owned small  
26 business or a veteran-owned small business for purposes of

1 this Section if the Commission on Equity and Inclusion  
2 determines that the business has been certified as a  
3 service-disabled veteran-owned small business or a  
4 veteran-owned small business by the Vets First Verification  
5 Program of the United States Department of Veterans Affairs,  
6 and the business has provided to the Commission on Equity and  
7 Inclusion the following:

8 (1) documentation showing certification as a  
9 service-disabled veteran-owned small business or a  
10 veteran-owned small business by the Vets First  
11 Verification Program of the United States Department of  
12 Veterans Affairs;

13 (2) proof that the business has its home office in  
14 Illinois; and

15 (3) proof that the qualified veterans or qualified  
16 service-disabled veterans live in the State of Illinois.

17 The policies of the Commission on Equity and Inclusion  
18 regarding recognition of the Vets First Verification Program  
19 of the United States Department of Veterans Affairs shall be  
20 reviewed annually by the Commission on Equity and Inclusion,  
21 and recognition of service-disabled veteran-owned small  
22 businesses and veteran-owned small businesses certified by the  
23 Vets First Verification Program of the United States  
24 Department of Veterans Affairs may be discontinued by the  
25 Commission on Equity and Inclusion by rule upon a finding that  
26 the certification standards of the Vets First Verification

1 Program of the United States Department of Veterans Affairs do  
2 not meet the certification requirements established by the  
3 Commission on Equity and Inclusion.

4 (g) Penalties.

5 (1) Administrative penalties. The chief procurement  
6 officers appointed pursuant to Section 10-20 shall suspend  
7 any person who commits a violation of Section 17-10.3 or  
8 subsection (d) of Section 33E-6 of the Criminal Code of  
9 2012 relating to this Section from bidding on, or  
10 participating as a contractor, subcontractor, or supplier  
11 in, any State contract or project for a period of not less  
12 than 3 years, and, if the person is certified as a  
13 service-disabled veteran-owned small business or a  
14 veteran-owned small business, then the Commission on  
15 Equity and Inclusion shall revoke the business's  
16 certification for a period of not less than 3 years. An  
17 additional or subsequent violation shall extend the  
18 periods of suspension and revocation for a period of not  
19 less than 5 years. The suspension and revocation shall  
20 apply to the principals of the business and any subsequent  
21 business formed or financed by, or affiliated with, those  
22 principals.

23 (2) Reports of violations. Each State agency shall  
24 report any alleged violation of Section 17-10.3 or  
25 subsection (d) of Section 33E-6 of the Criminal Code of  
26 2012 relating to this Section to the chief procurement

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

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

14 (4) Use of suspended persons. During the period of a  
15 person's suspension under paragraph (1) of this  
16 subsection, a State agency shall not enter into any  
17 contract with that person or with any contractor using the  
18 services of that person as a subcontractor.

19 (5) Duty to check list. Each State agency shall check  
20 the central listing provided by the chief procurement  
21 officers appointed pursuant to Section 10-20 under  
22 paragraph (3) of this subsection to verify that a person  
23 being awarded a contract by that State agency, or to be  
24 used as a subcontractor or supplier on a contract being  
25 awarded by that State agency, is not under suspension  
26 pursuant to paragraph (1) of this subsection.

1 (h) On and after November 30, 2021 (the effective date of  
2 Public Act 102-671) ~~this amendatory Act of the 102nd General~~  
3 ~~Assembly~~, all powers, duties, rights, and responsibilities of  
4 the Department of Central Management Services with respect to  
5 the requirements of this Section are transferred to the  
6 Commission on Equity and Inclusion.

7 All books, records, papers, documents, property (real and  
8 personal), contracts, causes of action, and pending business  
9 pertaining to the powers, duties, rights, and responsibilities  
10 transferred by Public Act 102-671 ~~this amendatory Act~~ from the  
11 Department of Central Management Services to the Commission on  
12 Equity and Inclusion, including, but not limited to, material  
13 in electronic or magnetic format and necessary computer  
14 hardware and software, shall be transferred to the Commission  
15 on Equity and Inclusion.

16 The powers, duties, rights, and responsibilities  
17 transferred from the Department of Central Management Services  
18 by this amendatory Act shall be vested in and shall be  
19 exercised by the Commission on Equity and Inclusion.

20 Whenever reports or notices are now required to be made or  
21 given or papers or documents furnished or served by any person  
22 to or upon the Department of Central Management Services in  
23 connection with any of the powers, duties, rights, and  
24 responsibilities transferred by Public Act 102-671 ~~this~~  
25 ~~amendatory Act~~, the same shall be made, given, furnished, or  
26 served in the same manner to or upon the Commission on Equity

1 and Inclusion.

2 Public Act 102-671 ~~This amendatory Act of the 102nd~~  
3 ~~General Assembly~~ does not affect any act done, ratified, or  
4 canceled or any right occurring or established or any action  
5 or proceeding had or commenced in an administrative, civil, or  
6 criminal cause by the Department of Central Management  
7 Services before this amendatory Act takes effect; such actions  
8 or proceedings may be prosecuted and continued by the  
9 Commission on Equity and Inclusion.

10 Any rules of the Department of Central Management Services  
11 that relate to its powers, duties, rights, and  
12 responsibilities under this Section and are in full force on  
13 the effective date of Public Act 102-671 ~~this amendatory Act~~  
14 ~~of the 102nd General Assembly~~ shall become the rules of the  
15 Commission on Equity and Inclusion. Public Act 102-671 ~~This~~  
16 ~~amendatory Act~~ does not affect the legality of any such rules  
17 in the Illinois Administrative Code. Any proposed rules filed  
18 with the Secretary of State by the Department of Central  
19 Management Services that are pending in the rulemaking process  
20 on November 30, 2021 ~~the effective date of this amendatory Act~~  
21 and pertain to the powers, duties, rights, and  
22 responsibilities transferred, shall be deemed to have been  
23 filed by the Commission on Equity and Inclusion. As soon as  
24 practicable hereafter, the Commission on Equity and Inclusion  
25 shall revise and clarify the rules transferred to it under  
26 Public Act 102-671 ~~this amendatory Act~~ to reflect the

1 reorganization of powers, duties, rights, and responsibilities  
2 affected by Public Act 102-671 ~~this amendatory Act~~, using the  
3 procedures for recodification of rules available under the  
4 Illinois Administrative Procedure Act, except that existing  
5 title, part, and section numbering for the affected rules may  
6 be retained. The Commission on Equity and Inclusion may  
7 propose and adopt under the Illinois Administrative Procedure  
8 Act such other rules of the Department of Central Management  
9 Services that will now be administered by the Commission on  
10 Equity and Inclusion.

11 (Source: P.A. 102-166, eff. 7-26-21; 102-671, eff. 11-30-21;  
12 103-570, eff. 1-1-24; 103-746, eff. 1-1-25; revised 11-22-24.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.