

Government Affairs Update



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Lame Duck Session Update

New Speaker of the House

Illinois House elects Chris Welch as first black speaker. He is the first new leader in decades replacing Michael J. Madigan.

Economic Equity Act (HB 2685, HB 5871)

Both bills are titled "The Economic Equity Act" and are one of the four pillars of the Illinois Legislative Black Caucus' Equity Agenda. These are omnibus measures seeking to be comprehensive, amending dozens of Acts, and running over 300 pages. The bills are identical and are moving through the Illinois General Assembly's lame duck session. Both have an immediate effective date and certain provisions have sunsets of June 30, 2024. Discussions around amendments are continuing.

Article 1. Employee Background Fairness Act

Employers may not use criminal history information not resulting in a conviction in hiring decisions.

Article 10. Business Enterprise Act

Increases statutory aspirational goals for all non-construction state contracts from 20% to 30%. The aspirational goals for construction contract remain at 20%; however, construction contracts are subject to the provisions pertaining to Descendants of African Slavery provisions below.

Adds "Descendant of African Slavery" (DSA herein) as a minority person under the BEP Act.

Adds an aspirational goal of awarding state contracts to DSA's **in a dollar amount proportionate to the percentage of such persons that are residents of the state**. Includes construction contracts. Requires bidders to include a plan to utilize subcontracting companies owned by DSA's.

Any waivers granted on contracts between \$100,000. and \$999,999. must be approved by BEP Council or Commission on Equity and Inclusion. Waivers in excess of \$1 million must be approved by General Assembly.

Article 115. Commission on Equity and Inclusion

This is a major change in the oversight structure of public contracts in Illinois. The language is conflicting in some respects. It establishes the Commission on Equity and Inclusion, with 7 members appointed by the Governor for four-year staggered terms.

It gives the Commission authority over the Procurement Policy Board; all four Chief Procurement Officers; the Business Enterprise Council; over sole source contracts; emergency purchases; over prequalification rules; over professional and artistic services; over state leases; over non-responsive bids; and over a number of previously established boards and commissions.