



Rep. William B. Black

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1 AMENDMENT TO SENATE BILL 1879

2 AMENDMENT NO. _____. Amend Senate Bill 1879, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 38, by inserting below line 6 the following:

5 "Section 12. The Election Code is amended by changing
6 Section 9-10 and by adding Section 9-8.5 as follows:

7 (10 ILCS 5/9-8.5 new)

8 Sec. 9-8.5. Return of contractor contributions.

9 (a) The amount of any contribution received on or after the
10 effective date of this amendatory Act of the 94th General
11 Assembly by a political committee organized by or on behalf of
12 a person holding an executive branch constitutional office on
13 or after that date from a person or entity that on or after
14 that date held or holds a State contract that the executive
15 branch constitutional office was responsible for awarding, or
16 from any of that contractor's affiliated persons or affiliated
17 entities, must be returned to the contributor within 30 days
18 after the effective date of this amendatory Act of the 94th
19 General Assembly or within 30 days after receipt of the
20 contribution, whichever is later.

21 A successor political committee is subject to the
22 requirement of this Section if at the time for return of the
23 contribution the political committee that received the
24 contribution has been dissolved and any portion of the

1 contribution was transferred to or in any other way received by
2 the successor political committee. If the contributor was a
3 person who at the time for return of the contribution is
4 deceased, the contribution must be returned to the
5 contributor's estate. If the contributor was not a person and
6 at the time for return of the contribution the contributor no
7 longer exists, the contribution must be paid to the State
8 treasury.

9 (b) The State Board of Elections shall consider for
10 disciplinary action and may impose a fine upon any political
11 committee that fails to return a contribution as required by
12 this Section. A fine shall not exceed 100% of the amount of the
13 contribution but in no case shall be less than 10% of the
14 amount of the contribution.

15 (c) For the purpose of this Section:

16 (1) "Affiliated entity" is defined as that term is
17 defined in Section 50-38 of the Illinois Procurement Code.

18 (2) "Affiliated person" is defined as that term is
19 defined in Section 50-38 of the Illinois Procurement Code.

20 (3) "Executive branch constitutional office
21 responsible for awarding a contract" means the executive
22 branch constitutional office whose holder has jurisdiction
23 or control over the chief procurement officer, associate
24 procurement officer, State purchasing officer, purchasing
25 agency, or contracting agency, as those terms are defined
26 in the Illinois Procurement Code, or their predecessors,
27 that awarded the contract.

28 (4) "Executive branch constitutional office" means the
29 office of Governor, Lieutenant Governor, Attorney General,
30 Secretary of State, State Comptroller, or State Treasurer.

31 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

32 Sec. 9-10. Financial reports.

33 (a) The treasurer of every state political committee and

1 the treasurer of every local political committee shall file
2 with the Board, and the treasurer of every local political
3 committee shall file with the county clerk, reports of campaign
4 contributions, and semi-annual reports of campaign
5 contributions and expenditures on forms to be prescribed or
6 approved by the Board. The treasurer of every political
7 committee that acts as both a state political committee and a
8 local political committee shall file a copy of each report with
9 the State Board of Elections and the county clerk. Entities
10 subject to Section 9-7.5 shall file reports required by that
11 Section at times provided in this Section and are subject to
12 the penalties provided in this Section.

13 (b) Reports of campaign contributions shall be filed no
14 later than the 15th day next preceding each election including
15 a primary election in connection with which the political
16 committee has accepted or is accepting contributions or has
17 made or is making expenditures. Such reports shall be complete
18 as of the 30th day next preceding each election including a
19 primary election. The Board shall assess a civil penalty not to
20 exceed \$5,000 for a violation of this subsection, except that
21 for State officers and candidates and political committees
22 formed for statewide office, the civil penalty may not exceed
23 \$10,000. The fine, however, shall not exceed \$500 for a first
24 filing violation for filing less than 10 days after the
25 deadline. There shall be no fine if the report is mailed and
26 postmarked at least 72 hours prior to the filing deadline. For
27 the purpose of this subsection, "statewide office" and "State
28 officer" means the Governor, Lieutenant Governor, Attorney
29 General, Secretary of State, Comptroller, and Treasurer.
30 However, a continuing political committee that does not make
31 expenditures in excess of \$500 on behalf of or in opposition to
32 any candidate or public question on the ballot at an election
33 shall not be required to file the reports heretofore prescribed
34 but may file in lieu thereof a Statement of Nonparticipation in

1 the Election with the Board or the Board and the county clerk;
2 except that if the political committee, by the terms of its
3 statement of organization filed in accordance with this
4 Article, is organized to support or oppose a candidate or
5 public question on the ballot at the next election or primary,
6 that committee must file reports required by this subsection
7 (b) and by subsection (b-5).

8 (b-5) Notwithstanding the provisions of subsection (b) and
9 Section 1.25 of the Statute on Statutes, any contribution (A)
10 of \$10,000 or more received at any time or (B) of more than
11 \$500 received in the interim between the last date of the
12 period covered by the last report filed under subsection (b)
13 prior to the election and the date of the election shall be
14 filed with and must actually be received by the State Board of
15 Elections within 2 business days after receipt of such
16 contribution. The State Board shall allow filings of reports of
17 contributions ~~of more than \$500~~ under this subsection (b-5) by
18 political committees that are not required to file
19 electronically to be made by facsimile transmission. For the
20 purpose of this subsection, a contribution is considered
21 received on the date the public official, candidate, or
22 political committee (or equivalent person in the case of a
23 reporting entity other than a political committee) actually
24 receives it or, in the case of goods or services, 2 business
25 days after the date the public official, candidate, committee,
26 or other reporting entity receives the certification required
27 under subsection (b) of Section 9-6. Failure to report each
28 contribution is a separate violation of this subsection. In the
29 final disposition of any matter by the Board on or after the
30 effective date of this amendatory Act of the 93rd General
31 Assembly, the Board may impose fines for violations of this
32 subsection not to exceed 100% of the total amount of the
33 contributions that were untimely reported, but in no case when
34 a fine is imposed shall it be less than 10% of the total amount

1 of the contributions that were untimely reported. When
2 considering the amount of the fine to be imposed, the Board
3 shall consider, but is not limited to, the following factors:

4 (1) whether in the Board's opinion the violation was
5 committed inadvertently, negligently, knowingly, or
6 intentionally;

7 (2) the number of days the contribution was reported
8 late; and

9 (3) past violations of Sections 9-3 and 9-10 of this
10 Article by the committee.

11 (c) In addition to such reports the treasurer of every
12 political committee shall file semi-annual reports of campaign
13 contributions and expenditures no later than July 31st,
14 covering the period from January 1st through June 30th
15 immediately preceding, and no later than January 31st, covering
16 the period from July 1st through December 31st of the preceding
17 calendar year. Reports of contributions and expenditures must
18 be filed to cover the prescribed time periods even though no
19 contributions or expenditures may have been received or made
20 during the period. The Board shall assess a civil penalty not
21 to exceed \$5,000 for a violation of this subsection, except
22 that for State officers and candidates and political committees
23 formed for statewide office, the civil penalty may not exceed
24 \$10,000. The fine, however, shall not exceed \$500 for a first
25 filing violation for filing less than 10 days after the
26 deadline. There shall be no fine if the report is mailed and
27 postmarked at least 72 hours prior to the filing deadline. For
28 the purpose of this subsection, "statewide office" and "State
29 officer" means the Governor, Lieutenant Governor, Attorney
30 General, Secretary of State, Comptroller, and Treasurer.

31 (c-5) A political committee that acts as either (i) a State
32 and local political committee or (ii) a local political
33 committee and that files reports electronically under Section
34 9-28 is not required to file copies of the reports with the

1 appropriate county clerk if the county clerk has a system that
2 permits access to, and duplication of, reports that are filed
3 with the State Board of Elections. A State and local political
4 committee or a local political committee shall file with the
5 county clerk a copy of its statement of organization pursuant
6 to Section 9-3.

7 (d) A copy of each report or statement filed under this
8 Article shall be preserved by the person filing it for a period
9 of two years from the date of filing.

10 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
11 94-645, eff. 8-22-05.)"; and

12 by replacing line 17 on page 40 through line 14 on page 41 with
13 the following:

14 "Section 25. The Illinois Procurement Code is amended by
15 changing Sections 1-15.15, 1-15.100, 15-25, 20-10, 20-30,
16 35-15, 35-20, 35-25, 35-30, 35-35, 35-40, 40-15, 50-13, 50-20,
17 50-30, and 53-10 and by adding Sections 20-43, 50-37, 50-38,
18 and 50-39 as follows:

19 (30 ILCS 500/1-15.15)

20 Sec. 1-15.15. Chief Procurement Officer. "Chief
21 Procurement Officer" means:

22 (1) for procurements for construction and
23 construction-related services committed by law to the
24 jurisdiction or responsibility of the Capital Development
25 Board, the executive director of the Capital Development Board.

26 (2) for procurements for all construction,
27 construction-related services, operation of any facility, and
28 the provision of any service or activity committed by law to
29 the jurisdiction or responsibility of the Illinois Department
30 of Transportation, including the direct or reimbursable
31 expenditure of all federal funds for which the Department of
32 Transportation is responsible or accountable for the use

1 thereof in accordance with federal law, regulation, or
2 procedure, the Secretary of Transportation.

3 (3) for all procurements made by a public institution of
4 higher education, a representative designated by the Governor.

5 (4) for all applicable procurements made by a pension fund
6 or retirements system created under Article 2, 14, 15, 16, or
7 18 of the Illinois Pension Code or an investment board created
8 under Article 22A of the Illinois Pension Code, a
9 representative designated by the board of trustees of that
10 pension fund or retirement system or by the Illinois State
11 Board of Investment, as the case may be, for a total of 6
12 pension chiefs of procurement.

13 (5) ~~(4)~~ for all other procurements, the Director of the
14 Department of Central Management Services.

15 (Source: P.A. 90-572, eff. 2-6-98.); and

16 by replacing line 6 on page 48 through line 14 on page 53 with
17 the following:

18 "(30 ILCS 500/35-15)

19 Sec. 35-15. Prequalification.

20 (a) The Director of Central Management Services, the
21 pension chief procurement officers, and the higher education
22 chief procurement officer shall each develop appropriate and
23 reasonable prequalification standards and categories of
24 professional and artistic services.

25 (b) The prequalifications and categorizations shall be
26 submitted to the Procurement Policy Board and published for
27 public comment prior to their submission to the Joint Committee
28 on Administrative Rules for approval.

29 (c) The Director of Central Management Services, the
30 pension chief procurement officers, and the higher education
31 chief procurement officer shall each also assemble and maintain
32 a comprehensive list of prequalified and categorized

1 businesses and persons.

2 (d) Prequalification shall not be used to bar or prevent
3 any qualified business or person for bidding or responding to
4 invitations for bid or proposal.

5 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

6 (30 ILCS 500/35-20)

7 Sec. 35-20. Uniformity in procurement.

8 (a) The Director of Central Management Services, the
9 pension chief procurement officers, and the higher education
10 chief procurement officer shall each develop, cause to be
11 printed, and distribute uniform documents for the
12 solicitation, review, and acceptance of all professional and
13 artistic services.

14 (b) All chief procurement officers, State purchasing
15 officers, and their designees shall use the appropriate uniform
16 procedures and forms specified in this Code for all
17 professional and artistic services.

18 (c) These forms shall include in detail, in writing, at
19 least:

- 20 (1) a description of the goal to be achieved;
21 (2) the services to be performed;
22 (3) the need for the service;
23 (4) the qualifications that are necessary; and
24 (5) a plan for post-performance review.

25 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

26 (30 ILCS 500/35-25)

27 Sec. 35-25. Uniformity in contract.

28 (a) The Director of Central Management Services, the
29 pension chief procurement officers, and the higher education
30 chief procurement officer shall each develop, cause to be
31 printed, and distribute uniform documents for the contracting
32 of professional and artistic services.

1 (b) All chief procurement officers, State purchasing
2 officers, and their designees shall use the appropriate uniform
3 contracts and forms in contracting for all professional and
4 artistic services.

5 (c) These contracts and forms shall include in detail, in
6 writing, at least:

7 (1) the detail listed in subsection (c) of Section
8 35-20;

9 (2) the duration of the contract, with a schedule of
10 delivery, when applicable;

11 (3) the method for charging and measuring cost (hourly,
12 per day, etc.);

13 (4) the rate of remuneration; and

14 (5) the maximum price.

15 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

16 (30 ILCS 500/35-30)

17 Sec. 35-30. Awards.

18 (a) All State contracts for professional and artistic
19 services, except as provided in this Section, shall be awarded
20 using the competitive request for proposal process outlined in
21 this Section.

22 (b) For each contract offered, the chief procurement
23 officer, State purchasing officer, or his or her designee shall
24 use the appropriate standard solicitation forms available from
25 the Department of Central Management Services, a pension chief
26 procurement officer, or the higher education chief procurement
27 officer.

28 (c) Prepared forms shall be submitted to the Department of
29 Central Management Services, a pension chief procurement
30 officer, or the higher education chief procurement officer,
31 whichever is appropriate, for publication in its Illinois
32 Procurement Bulletin and circulation to the Department of
33 Central Management Services', the pension chief procurement

1 officer's, or the higher education chief procurement officer's
2 list of prequalified vendors. Notice of the offer or request
3 for proposal shall appear at least 14 days before the response
4 to the offer is due.

5 (d) All interested respondents shall return their
6 responses to the Department of Central Management Services, the
7 pension chief procurement officer, or the higher education
8 chief procurement officer, whichever is appropriate, which
9 shall open and record them. The Department, the pension chief
10 procurement officer, or higher education chief procurement
11 officer then shall forward the responses, together with any
12 information it has available about the qualifications and other
13 State work of the respondents.

14 (e) After evaluation, ranking, and selection, the
15 responsible chief procurement officer, State purchasing
16 officer, or his or her designee shall notify the Department of
17 Central Management Services, the pension chief procurement
18 officer, or the higher education chief procurement officer,
19 whichever is appropriate, of the successful respondent and
20 shall forward a copy of the signed contract for the
21 Department's, pension chief procurement officer's, or higher
22 education chief procurement officer's file. The Department, the
23 pension chief procurement officer, or higher education
24 chief procurement officer shall publish the names of the
25 responsible procurement decision-maker, the agency letting the
26 contract, the successful respondent, a contract reference, and
27 value of the let contract in the next appropriate volume of the
28 Illinois Procurement Bulletin.

29 (f) For all professional and artistic contracts with
30 annualized value that exceeds \$25,000, evaluation and ranking
31 by price are required. Any chief procurement officer or State
32 purchasing officer, but not their designees, may select an
33 offeror other than the lowest bidder by price. In any case,
34 when the contract exceeds the \$25,000 threshold ~~threshold~~ and

1 the lowest bidder is not selected, the chief procurement
2 officer or the State purchasing officer shall forward together
3 with the contract notice of who the low bidder was and a
4 written decision as to why another was selected to the
5 Department of Central Management Services, the pension chief
6 procurement officer, or the higher education chief procurement
7 officer, whichever is appropriate. The Department, the pension
8 chief procurement officer, or higher education chief
9 procurement officer shall publish as provided in subsection (e)
10 of Section 35-30, but shall include notice of the chief
11 procurement officer's or State purchasing officer's written
12 decision.

13 (g) The Department of Central Management Services, the
14 pension chief procurement officers, and higher education chief
15 procurement officer may each refine, but not contradict, this
16 Section by promulgating rules for submission to the Procurement
17 Policy Board and then to the Joint Committee on Administrative
18 Rules. Any refinement shall be based on the principles and
19 procedures of the federal Architect-Engineer Selection Law,
20 Public Law 92-582 Brooks Act, and the Architectural,
21 Engineering, and Land Surveying Qualifications Based Selection
22 Act; except that pricing shall be an integral part of the
23 selection process.

24 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised
25 10-19-05.)

26 (30 ILCS 500/35-35)

27 Sec. 35-35. Exceptions.

28 (a) Exceptions to Section 35-30 are allowed for sole source
29 procurements, emergency procurements, and at the discretion of
30 the chief procurement officer or the State purchasing officer,
31 but not their designees, for professional and artistic
32 contracts that are nonrenewable, one year or less in duration,
33 and have a value of less than \$20,000.

1 (b) All exceptions granted under this Article must still be
2 submitted to the Department of Central Management Services, the
3 appropriate pension chief procurement officer, or the higher
4 education chief procurement officer, whichever is appropriate,
5 and published as provided for in subsection (f) of Section
6 35-30, shall name the authorizing chief procurement officer or
7 State purchasing officer, and shall include a brief explanation
8 of the reason for the exception.

9 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

10 (30 ILCS 500/35-40)

11 Sec. 35-40. Subcontractors.

12 (a) Any contract granted under this Article shall state
13 whether the services of a subcontractor will be used. The
14 contract shall include the names and addresses of all
15 subcontractors and the expected amount of money each will
16 receive under the contract.

17 (b) If at any time during the term of a contract, a
18 contractor adds or changes any subcontractors, he or she shall
19 promptly notify, in writing, the Department of Central
20 Management Services, the appropriate pension chief procurement
21 officer, or the higher education chief procurement officer,
22 whichever is appropriate, and the responsible chief
23 procurement officer, State purchasing officer, or their
24 designee of the names and addresses and the expected amount of
25 money each new or replaced subcontractor will receive.

26 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)"; and

27 on page 54, by inserting below line 10 the following:

28 "(30 ILCS 500/50-13)

29 Sec. 50-13. Conflicts of interest.

30 (a) Prohibition. It is unlawful for any person holding an
31 elective office in this State, holding a seat in the General

1 Assembly, or appointed to or employed in any of the offices or
2 agencies of State government and who receives compensation for
3 such employment in excess of 60% of the salary of the Governor
4 of the State of Illinois, or who is an officer or employee of
5 the Capital Development Board or the Illinois Toll Highway
6 Authority, or who is the spouse or minor child of any such
7 person to have or acquire any contract, or any direct pecuniary
8 interest in any contract therein, whether for stationery,
9 printing, paper, or any services, materials, or supplies, that
10 will be wholly or partially satisfied by the payment of funds
11 appropriated by the General Assembly of the State of Illinois
12 or in any contract of the Capital Development Board or the
13 Illinois Toll Highway Authority.

14 (b) Interests. It is unlawful for any firm, partnership,
15 association, or corporation, in which any person listed in
16 subsection (a) is entitled to receive (i) more than 7 1/2% of
17 the total distributable income or (ii) an amount in excess of
18 the salary of the Governor, to have or acquire any such
19 contract or direct pecuniary interest therein.

20 (b-5) Notwithstanding any other provision of law, no person
21 listed in subsection (a) may receive a legal, banking,
22 consulting, or other fee related to the issuance of any bond
23 issued by the State or by any agency or other entity of State
24 government.

25 (c) Combined interests. It is unlawful for any firm,
26 partnership, association, or corporation, in which any person
27 listed in subsection (a) together with his or her spouse or
28 minor children is entitled to receive (i) more than 15%, in the
29 aggregate, of the total distributable income or (ii) an amount
30 in excess of 2 times the salary of the Governor, to have or
31 acquire any such contract or direct pecuniary interest therein.

32 (c-5) Appointees and firms. In addition to any provisions
33 of this Code, the interests of certain appointees and their
34 firms are subject to Section 3A-35 of the Illinois Governmental

1 Ethics Act.

2 (d) Securities. Nothing in this Section invalidates the
3 provisions of any bond or other security previously offered or
4 to be offered for sale or sold by or for the State of Illinois.

5 (e) Prior interests. This Section does not affect the
6 validity of any contract made between the State and an officer
7 or employee of the State or member of the General Assembly, his
8 or her spouse, minor child, or other immediate family member
9 living in his or her residence or any combination of those
10 persons if that contract was in existence before his or her
11 election or employment as an officer, member, or employee. The
12 contract is voidable, however, if it cannot be completed within
13 365 days after the officer, member, or employee takes office or
14 is employed.

15 (f) Exceptions.

16 (1) Public aid payments. This Section does not apply to
17 payments made for a public aid recipient.

18 (2) Teaching. This Section does not apply to a contract
19 for personal services as a teacher or school administrator
20 between a member of the General Assembly or his or her
21 spouse, or a State officer or employee or his or her
22 spouse, and any school district, public community college
23 district, the University of Illinois, Southern Illinois
24 University, Illinois State University, Eastern Illinois
25 University, Northern Illinois University, Western Illinois
26 University, Chicago State University, Governor State
27 University, or Northeastern Illinois University.

28 (3) Ministerial duties. This Section does not apply to
29 a contract for personal services of a wholly ministerial
30 character, including but not limited to services as a
31 laborer, clerk, typist, stenographer, page, bookkeeper,
32 receptionist, or telephone switchboard operator, made by a
33 spouse or minor child of an elective or appointive State
34 officer or employee or of a member of the General Assembly.

1 (4) Child and family services. This Section does not
2 apply to payments made to a member of the General Assembly,
3 a State officer or employee, his or her spouse or minor
4 child acting as a foster parent, homemaker, advocate, or
5 volunteer for or in behalf of a child or family served by
6 the Department of Children and Family Services.

7 (5) Licensed professionals. Contracts with licensed
8 professionals, provided they are competitively bid or part
9 of a reimbursement program for specific, customary goods
10 and services through the Department of Children and Family
11 Services, the Department of Human Services, the Department
12 of Public Aid, the Department of Public Health, or the
13 Department on Aging.

14 (g) Penalty. A person convicted of a violation of this
15 Section is guilty of a business offense and shall be fined not
16 less than \$1,000 nor more than \$5,000.

17 (Source: P.A. 93-615, eff. 11-19-03.)"; and

18 on page 54, line 16 by inserting after "50-13" the following:

19 ", except the prohibitions set forth in subsection (b-5) of
20 Section 50-13,"; and

21 on page 55, by inserting after line 26 the following:

22 "(30 ILCS 500/50-38 new)

23 Sec. 50-38. Disclosure of political contributions.

24 (a) All offers from responsive bidders or offerors with an
25 annual value of more than \$10,000 shall be accompanied by
26 disclosure of the political contributions of the contractor,
27 bidder, or proposer as provided in this Section. The
28 appropriate chief procurement officer shall ensure that this
29 disclosure is not used in the awarding of the contract or
30 selection of the vendor and further ensure that the disclosure
31 remains confidential until after the contract is awarded or

1 vendor is selected. The disclosure of each successful bidder or
2 offeror shall become part of the publicly available contract or
3 procurement file maintained by the appropriate chief
4 procurement officer, shall be filed with the Comptroller as
5 part of the filing required pursuant to Section 20-80 of this
6 Code, and shall be published in the next available volume of
7 the Illinois Procurement Bulletin.

8 (b) Disclosure by the responsive bidders or offerors shall
9 include at least the names and addresses of the contributors
10 and the dollar amounts of any contributions to the officeholder
11 responsible for awarding the contract or to any political
12 committees established to promote the candidacy of such
13 officeholder made within the previous 2 years by the responsive
14 bidders or offerors and any affiliated persons or entities.

15 (c) As used in this Section:

16 "Contribution" means contribution as defined in Section
17 9-1.4 of the Election Code.

18 "Officeholder" means the Governor, Lieutenant Governor,
19 Attorney General, Secretary of State, Comptroller, or
20 Treasurer. The Governor shall be considered the officeholder
21 responsible for awarding all contracts by all officers and
22 employees of, and vendors and others doing business with,
23 executive branch State agencies under the jurisdiction of the
24 Executive Ethics Commission and not within the jurisdiction of
25 the Attorney General, the Secretary of State, the Comptroller,
26 or the Treasurer.

27 "Sponsoring entity" means sponsoring entity as defined in
28 Section 9-3 of the Election Code.

29 "Affiliated person" means (i) any person with any ownership
30 interest or distributive share of the bidding or contracting
31 entity in excess of 5%, (ii) executive employees of the bidding
32 or contracting entity, and (iii) the spouse and minor children
33 of any such persons.

34 "Affiliated entity" means (i) any subsidiary of the bidding

1 or contracting entity, (ii) any member of the same unitary
2 business group, or (iii) any political committee for which the
3 bidding or contracting entity is the sponsoring entity.

4 (d) Pursuant to Section 9 of the State Comptroller Act, the
5 Comptroller may refuse to draw a warrant for payment on any
6 voucher based on the obligation of any contract if the
7 disclosures required by this Section are not filed with the
8 Comptroller.

9 (e) Notwithstanding subsection (b), contributions to any
10 candidate that in the aggregate do not exceed \$500 within the
11 previous 2 years do not need to be disclosed.

12 (f) Any business whose contracts with State agencies under
13 the jurisdiction and control of one officeholder, in the
14 aggregate, annually total more than \$25,000 is prohibited from
15 making any contributions to that officeholder responsible for
16 awarding the contracts or to any political committees
17 established to promote the candidacy of that officeholder. This
18 prohibition shall be effective for the current term of office
19 of the incumbent awarding the contracts, for any future term of
20 office of the incumbent awarding the contracts, or for a period
21 of 2 years following the conclusion of the contracts, whichever
22 is longer. This prohibition shall also apply to contributions
23 from any affiliated persons or entities.

24 (g) All contracts between State agencies and a business
25 that violates subsection (f) shall be voidable under Section
26 50-60.

27 If a business violates subsection (f) 3 or more times
28 within a 36-month period, then all contracts between State
29 agencies and that business shall be void, and that business
30 shall not bid or respond to any invitation to bid or request
31 for proposals from any State agency or otherwise enter into any
32 contract with any State agency for 3 years from the date of the
33 last violation.

34 A notice of each violation and the penalty imposed shall be

1 published in both the Procurement Bulletin and the Illinois
2 Register.

3 (30 ILCS 500/50-39 new)

4 Sec. 50-39. Contractor contributions.

5 (a) The Comptroller shall not honor any contract with a
6 value of \$25,000 or more when a contribution of any amount has
7 been made or is made on or after the effective date of this
8 amendatory Act of the 94th General Assembly, to a political
9 committee organized by or on behalf of the executive,
10 legislative, or judicial branch constitutional officer whose
11 office was responsible for awarding the contract by (i) the
12 contractor, (ii) any of the contractor's affiliated entities or
13 affiliated persons, or (iii) any other entity or person on
14 behalf of, at the direction of, or with any portion of a
15 contribution from a person or entity described in item (i) or
16 (ii).

17 (b) For the purpose of this Section:

18 (1) "Affiliated entity" is defined as that term is
19 defined in Section 50-38 of this Code.

20 (2) "Affiliated person" is defined as that term is
21 defined in Section 50-38 of this Code.

22 (3) "Contribution" is defined as that term is defined
23 in Section 9-1.4 of the Election Code.

24 (4) "Executive branch constitutional officer" means
25 the Governor, Lieutenant Governor, Attorney General,
26 Secretary of State, State Comptroller, or State Treasurer.

27 (5) "Responsible for awarding a contract" means
28 jurisdiction or control over the chief procurement
29 officer, associate procurement officer, State purchasing
30 officer, purchasing agency, or contracting agency, or
31 their predecessors, that awarded the contract."; and

32 by replacing line 14 on page 56 through line 27 on page 63 with

1 the following:

2 "(30 ILCS 605/7.6 new)

3 Sec. 7.6. Naming and sponsorship rights; licenses.

4 (a) Administrator's authority. The administrator, as
5 defined in this Section, is authorized to license naming rights
6 and sponsorship rights only as provided in this Section. Naming
7 rights and sponsorship rights regarding any property or other
8 asset of the State to which this Section applies, whether real,
9 personal, tangible, or intangible, may not be sold, conveyed,
10 leased, licensed, or otherwise granted by the administrator or
11 by any other officer, employee, or agent of the State except as
12 provided in this Section. Naming and sponsorship rights are
13 subject to all other applicable statutes that are not
14 inconsistent with the provisions of this Section; to the extent
15 of any conflict, however, this Section controls.

16 (b) Certain properties and other assets; no license. Naming
17 rights and sponsorship rights may not be licensed with respect
18 to (i) any of the following or (ii) any property or other asset
19 associated with any of the following:

20 (1) the State Capitol Building in Springfield,
21 Illinois;

22 (2) the Old State Capitol Building in Springfield,
23 Illinois;

24 (3) the Vandalia State House in Vandalia, Illinois;

25 (4) the Executive Mansion in Springfield, Illinois;

26 (5) the Executive Mansion, also known as the Hayes
27 House, in Du Quoin, Illinois;

28 (6) the Abraham Lincoln Home in Springfield, Illinois,
29 if it becomes State real property not under the
30 jurisdiction of the federal government;

31 (7) the Lincoln Tomb in Springfield, Illinois;

32 (8) the Abraham Lincoln Presidential Library and
33 Museum in Springfield, Illinois;

1 (9) all present and future Abraham Lincoln sites not
2 otherwise listed;

3 (10) all Illinois homes of all past, present, or future
4 United States Presidents who have resided, currently
5 reside, or in the future will reside in the State of
6 Illinois;

7 (11) the burial sites of all past, present, or future
8 United States Presidents;

9 (12) the Illinois State Museum in Springfield,
10 Illinois;

11 (13) any State property or other asset identified or
12 named for a specific individual by Joint Resolution of the
13 General Assembly or by statute as of the effective date of
14 this Section or later; and

15 (14) any other State property or asset that on the
16 effective date of this Section or later is designated a
17 National Historic Landmark, listed as a State Historic Site
18 under Section 6 of the Historic Preservation Agency Act, or
19 listed on either the Illinois Register of Historic Places
20 or the National Register of Historic Places.

21 (c) Terms and conditions of licenses. A license of naming
22 rights or sponsorship rights (i) may have a term of no more
23 than 10 years and shall include a termination option in favor
24 of the State after 5 years, (ii) is non-transferable, and (iii)
25 is non-renewable (at the end of a term of a license, however,
26 the licensee is eligible to compete for a new license as
27 provided in subsection (d)). The licensee shall have the
28 authority to place signs, placards, imprints, or other
29 identifying information only on the properties or other assets
30 specified in the license and only during the term of the
31 license. The signs, placards, imprints, or other identifying
32 information may contain nothing other than the name of the
33 licensee, the licensee's logo, or both, except that with the
34 written approval of the administrator they may contain other

1 authorized material. The license may, but need not, require the
2 State to refer to a property or other asset by the name of the
3 licensee during the term of the license, all within reasonable
4 limitations and other than in statutes, rules, and existing
5 supplies of forms and other documents. No naming or sponsorship
6 right, however, may be characterized or treated as "official"
7 or in a similar fashion. If a licensee materially breaches any
8 term of a license and the Executive Ethics Commission
9 recommends that the license be revoked, then the administrator
10 may declare the license revoked. At least 25% of the total
11 amount of license fees must be paid prior to the commencement
12 of the term of the license. Any balance shall be paid on a
13 periodic schedule agreed to by the administrator. All fees are
14 non-refundable. Fees shall be deposited into the General
15 Revenue Fund, except that, if a fund or account has been
16 designated in a license granted by an administrator designated
17 by the Attorney General, the Secretary of State, the
18 Comptroller, or the Treasurer, then fees under the applicable
19 license shall be deposited into the designated fund or account.

20 (d) Competitive negotiation. A license of naming rights or
21 sponsorship rights may be granted only on the basis of the
22 highest and best competitively negotiated proposal that yields
23 the most advantageous benefits and considerations to the State.
24 The administrator shall give notice that the administrator will
25 accept proposals for the licensing of naming rights or
26 sponsorship rights with respect to any one or more specified
27 properties or other assets by publication in the Illinois
28 Procurement Bulletin not less than 7 business days before the
29 day upon which proposals will be accepted. The administrator
30 shall give such other notice as the administrator deems
31 appropriate. Proposals shall not be sealed and shall be part of
32 the public record. The administrator shall conduct open,
33 competitive negotiations with those who have submitted
34 proposals in order to obtain the highest and best competitively

1 negotiated proposal that yields the most advantageous benefits
2 and considerations to the State. The administrator may give
3 notice of and negotiate multiple licenses for identical naming
4 or sponsorship rights as part of a single notice, negotiation,
5 and licensing process. In the case of naming or sponsorship
6 rights for a single event or a continuous series of related
7 events, the administrator may grant multiple licenses not based
8 on the standard of "highest and best" proposals if the end
9 result is the most beneficial to the State. If a proposal
10 satisfactory to the administrator is not negotiated, the
11 administrator may give notice as provided in this subsection
12 and accept additional proposals.

13 Subject to the provisions of this Section, the
14 administrator shall have all power necessary to grant the
15 license and enter into any agreements and execute any documents
16 necessary to exercise the authority granted by this Section.
17 The administrator shall have authority to order such surveys,
18 abstracts of title, or commitments for title insurance as may,
19 in the administrator's reasonable discretion, be deemed
20 necessary to demonstrate good and marketable title to the
21 naming rights or sponsorship rights.

22 (e) Personal gifts. If one or more natural persons, as
23 such, make a gift, bequest, or devise to a State officer or
24 entity to which this Section applies and that does not result
25 in any pecuniary benefit (other than a tax benefit) to the
26 person or persons, then, at the request of the administrator
27 and with the approval of the Executive Ethics Commission in the
28 same manner as provided in subsection (f), the administrator
29 may grant naming rights, sponsorship rights, or both, so long
30 as the rights are of no pecuniary benefit to the person or
31 persons, subject only to the limitations in subsection (c) on
32 identifying information and characterization as "official" or
33 in a similar fashion. The sole purpose of the gift, bequest, or
34 devise must be to assist the recipient in fulfilling the

1 recipient's core mission or purpose.

2 (f) Approval by Executive Ethics Commission. Upon
3 determining to grant a license, the administrator must, within
4 15 calendar days, deliver a written notice setting forth all of
5 the pertinent facts relating to the proposal, proposer, and
6 proposed license to the Executive Ethics Commission. A license
7 shall not be granted unless approved in advance by the
8 Commission. If the administrator proposes to amend an existing
9 license, the administrator must deliver notice of the proposed
10 amendment to the Commission within 15 calendar days, and the
11 amendment shall not be made unless approved in advance by the
12 Commission. The Commission's review shall be based solely on
13 ethical and ethics related standards imposed by the law and on
14 avoiding the appearance of impropriety. The Commission's
15 approval shall not be unreasonably withheld.

16 Within 40 calendar days after its actual receipt from the
17 administrator of notice of a proposed license or amendment to a
18 license, the Commission shall either approve or disapprove the
19 proposed license or amendment and shall notify the
20 administrator and other parties to the proposed license or
21 amendment of its decision. The Commission may, in its
22 discretion and before the running of the time period in which
23 it must make a decision, grant itself one extension of up to an
24 additional 40 calendar days in which to make a decision by
25 notifying the administrator and other parties to the proposed
26 license or amendment. If the Commission requests additional or
27 supplemental information from the administrator or a party to
28 the proposed license or amendment, the running of the time
29 limit in which the Commission must make its decision is
30 suspended, and the 40-day period begins anew when the
31 information is delivered to the Commission. If the Commission
32 fails to render a decision within the applicable time period,
33 the proposed license or amendment is deemed approved.

34 (g) Rules. Each administrator and the Executive Ethics

1 Commission may, separately, adopt rules to implement their
2 several functions under this Section. The rules may not,
3 however, waive or provide for the waiver of any of the
4 requirements of this Section except as provided in this
5 subsection. The Executive Ethics Commission may adopt rules
6 authorizing the administrator to grant licenses without
7 pre-approval under subsection (f), but the rules must specify,
8 by category, those emergency and other extenuating situations
9 in which pre-approval is waived, must provide for prompt review
10 by the Commission after the granting of the license, and may
11 contain other provisions the Commission deems necessary to
12 prevent abuse of this procedure.

13 (h) Blind vendors. The provisions of this Section are
14 subject to, and do not supersede, any of the provisions of the
15 Blind Persons Operating Vending Facilities Act, any other State
16 or federal law granting preference to blind persons, or any
17 rules or regulations adopted pursuant to any of those laws.

18 (i) Small consideration. If the value of the consideration
19 for an individual naming or sponsorship right does not exceed
20 \$25,000, the administrator may grant the right, subject only to
21 the limitations in subsection (c) on identifying information
22 and characterization as "official" or in a similar fashion, but
23 the administrator must deliver a written notice giving the
24 details to the Executive Ethics Commission at least one full
25 business day before the administrator agrees to grant the
26 right. Naming or sponsorship rights shall not be artificially
27 divided in an attempt to qualify under this subsection.

28 (j) Applicability. This Section does not apply to naming
29 rights and sponsorship rights with respect to property or other
30 assets under the jurisdiction and control of (i) the
31 legislative branch or the judicial branch of the State or (ii)
32 a public institution of higher education, as defined in Section
33 1 of the Board of Higher Education Act. This Section applies to
34 all naming rights and sponsorship rights granted with respect

1 to the State Fair, as defined in Section 2 of the State Fair
2 Act, on or after January 1, 2006. This Section applies to all
3 other naming rights and sponsorship rights granted on or after
4 the effective date of this amendatory Act of the 94th General
5 Assembly.

6 (k) Retention of records. The administrator must maintain
7 all records relating to (i) each license of naming rights or
8 sponsorship rights for at least 7 years after the expiration of
9 the term of the license and (ii) each proposal for naming
10 rights or sponsorship rights that does not result in a license
11 being granted to the proposer for at least 7 years after the
12 proposal was submitted.

13 (l) Definitions. In this Section:

14 Notwithstanding Section 1.03 of this Act, in this Section
15 "administrator" means (i) an officer or employee designated by
16 the Attorney General with respect to the property and other
17 assets under the jurisdiction and control of the Attorney
18 General; (ii) an officer or employee designated by the
19 Secretary of State with respect to the property and other
20 assets under the jurisdiction and control of the Secretary of
21 State; (iii) an officer or employee designated by the
22 Comptroller with respect to the property and other assets under
23 the jurisdiction and control of the Comptroller; (iv) an
24 officer or employee designated by the Treasurer with respect to
25 the property and other assets under the jurisdiction and
26 control of the Treasurer; and (v) the Director of Central
27 Management Services with respect to all other property and
28 other assets to which this Section applies.

29 "Naming rights" means the right to associate the name or
30 identifying mark of any person or entity with the name or
31 identity of any State property or other asset.

32 "Sponsorship rights" means the right to associate the name
33 or identifying mark of any person or entity with any State
34 program or event on the grounds of, in, or with respect to any

1 State property or other asset.

2 (m) This Section shall be construed to ensure that all
3 naming and sponsorship rights are strictly controlled under the
4 terms of this Section.

5 (n) Severability. The provisions of this Section are
6 severable under Section 1.31 of the Statute on Statutes."; and

7 on page 63, in line 31 by deleting "1-135,"; and

8 by replacing line 8 on page 67 through line 31 on page 70 with
9 the following:

10 "(40 ILCS 5/1-113.5)

11 Sec. 1-113.5. Investment advisers and investment services.

12 (a) The board of trustees of a pension fund or retirement
13 system may appoint investment advisers as defined in Section
14 1-101.4. The board of any pension fund investing in common or
15 preferred stock under Section 1-113.4 shall appoint an
16 investment adviser before making such investments.

17 The investment adviser shall be a fiduciary, as defined in
18 Section 1-101.2, with respect to the pension fund or retirement
19 system and shall be one of the following:

20 (1) an investment adviser registered under the federal
21 Investment Advisers Act of 1940 and the Illinois Securities
22 Law of 1953;

23 (2) a bank or trust company authorized to conduct a
24 trust business in Illinois;

25 (3) a life insurance company authorized to transact
26 business in Illinois; or

27 (4) an investment company as defined and registered
28 under the federal Investment Company Act of 1940 and
29 registered under the Illinois Securities Law of 1953.

30 (a-3) Notwithstanding any other provision of law, a
31 contract awarded to a person to provide consulting services

1 with respect to selection of an investment advisor (referred to
2 in this Section as a "consultant") shall not exceed 5 years in
3 duration.

4 (a-5) For the board of trustees of a pension fund or
5 retirement system created under Article 2, 14, 15, 16, or 18,
6 the selection and appointment of an investment adviser or
7 consultant and the contracting for investment services by an
8 investment adviser constitute procurements of professional and
9 artistic services under the Illinois Procurement Code that must
10 be made and awarded in accordance with and through the use of
11 the method of selection required by Article 35 of that Code.
12 For the board of trustees of a pension fund or retirement
13 system created under any other Article of this Code, the
14 selection and appointment of an investment adviser or
15 consultant and the contracting for investment services by an
16 investment adviser constitute procurements that must be made
17 and awarded in a manner substantially similar to the method of
18 selection required for the procurement of professional and
19 artistic services under Article 35 of the Illinois Procurement
20 Code.

21 (b) All investment advice and services provided by an
22 investment adviser appointed under this Section shall be (i)
23 rendered pursuant to a written contract between the investment
24 adviser and the board, awarded as provided in subsection (a-5),
25 and (ii) in accordance with the board's investment policy.

26 The contract shall include all of the following:

27 (1) acknowledgement in writing by the investment
28 adviser that he or she is a fiduciary with respect to the
29 pension fund or retirement system;

30 (2) the board's investment policy;

31 (3) full disclosure of direct and indirect fees,
32 commissions, penalties, and any other compensation that
33 may be received by the investment adviser, including
34 reimbursement for expenses; and

1 (4) a requirement that the investment adviser submit
2 periodic written reports, on at least a quarterly basis,
3 for the board's review at its regularly scheduled meetings.
4 All returns on investment shall be reported as net returns
5 after payment of all fees, commissions, and any other
6 compensation.

7 (b-5) Each contract described in subsection (b) shall also
8 include (i) full disclosure of direct and indirect fees,
9 commissions, penalties, and other compensation, including
10 reimbursement for expenses, that may be paid by or on behalf of
11 the investment adviser in connection with the provision of
12 investment services and (ii) a requirement that the investment
13 adviser update the disclosure promptly after a modification of
14 those payments or an additional payment.

15 Within 30 days after the effective date of this amendatory
16 Act of the 94th General Assembly, each investment adviser
17 currently providing investment services or subject to an
18 existing contract for the provision of investment services must
19 disclose to the board of trustees all direct and indirect fees,
20 commissions, penalties, and other compensation paid by or on
21 behalf of the investment adviser in connection with the
22 provision of those investment services and shall update that
23 disclosure promptly after a modification of those payments or
24 an additional payment.

25 A person required to make a disclosure under subsection (d)
26 is also required to disclose direct and indirect fees,
27 commissions, penalties, or other compensation that shall or may
28 be paid by or on behalf of the person in connection with the
29 rendering of the investment services. The person shall update
30 the disclosure promptly after a modification of those payments
31 or an additional payment.

32 The disclosures required by this subsection shall be in
33 writing and shall include the date and amount of each payment
34 and the name and address of each recipient of a payment.

1 (c) Within 30 days after appointing an investment adviser,
2 the board shall submit a copy of the contract to the Division
3 ~~Department~~ of Insurance of the Department of Financial and
4 Professional Regulation.

5 (d) Investment services provided by a person other than an
6 investment adviser appointed under this Section, including but
7 not limited to services provided by the kinds of persons listed
8 in items (1) through (4) of subsection (a), shall be rendered
9 only after full written disclosure of direct and indirect fees,
10 commissions, penalties, and any other compensation that shall
11 or may be received by the person rendering those services.

12 (e) The board of trustees of each pension fund or
13 retirement system shall retain records of investment
14 transactions in accordance with the rules of the Department of
15 Insurance.

16 (f) This subsection applies to the board of trustees of a
17 pension fund or retirement system created under Article 2, 14,
18 15, 16, or 18. Notwithstanding any other provision of law, a
19 board of trustees shall comply with the Business Enterprise for
20 Minorities, Females, and Persons with Disabilities Act. The
21 board of trustees shall post upon its website the percentage of
22 its contracts awarded under this Section currently and during
23 the preceding 5 fiscal years that were awarded to "minority
24 owned businesses", "female owned businesses", and "businesses
25 owned by a person with a disability", as those terms are
26 defined in the Business Enterprise for Minorities, Females, and
27 Persons with Disabilities Act.

28 (Source: P.A. 90-507, eff. 8-22-97.)"; and

29 by deleting line 28 on page 71 through line 33 on page 72; and

30 by replacing line 1 on page 76 through line 15 on page 78 with
31 the following:

1 "(40 ILCS 5/22A-111) (from Ch. 108 1/2, par. 22A-111)

2 Sec. 22A-111. Duties and responsibilities.

3 (a) The Board shall manage the investments of any pension
4 fund, retirement system or education fund for the purpose of
5 obtaining a total return on investments for the long term. It
6 also shall perform such other functions as may be assigned or
7 directed by the General Assembly.

8 (b) The authority of the board to manage pension fund
9 investments and the liability shall begin when there has been a
10 physical transfer of the pension fund investments to the board
11 and placed in the custody of the State Treasurer.

12 (c) The authority of the board to manage monies from the
13 education fund for investment and the liability of the board
14 shall begin when there has been a physical transfer of
15 education fund investments to the board and placed in the
16 custody of the State Treasurer.

17 (d) The board may not delegate its management functions but
18 it may arrange to compensate for personalized investment
19 advisory service for any or all investments under its control,
20 with any national or state bank or trust company authorized to
21 do a trust business and domiciled in Illinois, or other
22 financial institution organized under the laws of Illinois, or
23 an investment advisor who is qualified under Federal Investment
24 Advisors Act of 1940 and is registered under the Illinois
25 Securities Law of 1953. Nothing contained herein shall prevent
26 the Board from subscribing to general investment research
27 services available for purchase or use by others. The Board
28 shall also have the authority to compensate for accounting
29 services.

30 (e) The selection of an investment advisor and consultants
31 and the contracting for investment services by an investment
32 advisor constitute procurements of professional and artistic
33 services under the Illinois Procurement Code that must be made
34 and awarded in accordance with and through the use of the

1 method of selection required by Article 35 of that Code.

2 Notwithstanding any other provision of law, a contract
3 awarded to a person to provide consulting services with respect
4 to selection of an investment advisor (referred to in this
5 subsection as a "consultant") shall not exceed 5 years in
6 duration.

7 In addition to any other requirement, each contract between
8 the Board and an investment advisor shall include (i) full
9 disclosure of direct and indirect fees, commissions,
10 penalties, and other compensation, including reimbursement for
11 expenses, that may be paid by or on behalf of the investment
12 advisor in connection with the provision of investment services
13 and (ii) a requirement that the investment advisor update the
14 disclosure promptly after a modification of those payments or
15 an additional payment.

16 Within 30 days after the effective date of this amendatory
17 Act of the 94th General Assembly, each investment advisor
18 currently providing investment services or subject to an
19 existing contract for the provision of investment services must
20 disclose to the Board all direct and indirect fees,
21 commissions, penalties, and other compensation paid by or on
22 behalf of the investment advisor in connection with the
23 provision of those investment services and shall update that
24 disclosure promptly after a modification of those payments or
25 an additional payment.

26 The disclosures required by this subsection shall be in
27 writing and shall include the date and amount of each payment
28 and the name and address of each recipient of a payment.

29 Notwithstanding any other provision of law, the Board shall
30 comply with the Business Enterprise for Minorities, Females,
31 and Persons with Disabilities Act. The Board shall post upon
32 its website the percentage of its contracts awarded under this
33 subsection currently and during the preceding 5 fiscal years
34 that were awarded to "minority owned businesses", "female owned

1 businesses", and "businesses owned by a person with a
2 disability", as those terms are defined in the Business
3 Enterprise for Minorities, Females, and Persons with
4 Disabilities Act.
5 (Source: P.A. 84-1127.)".