



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2573

Introduced 1/20/2006, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

New Act

10 ILCS 5/9-7.15 new
15 ILCS 20/50-25 new
15 ILCS 205/6.10 new
15 ILCS 305/30 new
15 ILCS 405/40 new
15 ILCS 505/25 new
30 ILCS 500/50-37 new

Creates the Legislators' No Bid, No Contribution Act and the Lieutenant Governor's No Bid, No Contribution Act and amends the State Budget Law, the Attorney General Act, the State Comptroller Act, the State Treasurer Act, the Illinois Procurement Code, the Secretary of State Act, and the Election Code. Regulates the awarding of State contracts on a no-bid basis. Prohibits campaign contributions from State contractors to General Assembly members, State executive branch constitutional office, and candidates for those offices under certain circumstances. Effective immediately.

LRB094 18864 RCE 54300 b

1 AN ACT concerning ethics.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE 1

5 Section 1-1. Short title. This Article may be cited as the
6 Legislators' No Bid, No Contribution Act.

7 Section 1-5. Definitions. For purposes of this Article:

8 "Contract" means any contract or agreement for goods or
9 services executed by a member of the General Assembly with any
10 value, except, regardless of amount, "contract" as used in this
11 Section shall not include the following:

12 (1) contracts with State agencies or officers or other
13 political subdivisions;

14 (2) hiring of an individual as an employee or
15 independent contractor, whether pursuant to an employment
16 code or policy or by contract directly with that
17 individual;

18 (3) collective bargaining contracts;

19 (4) purchase of real estate; or

20 (5) contracts necessary to prepare for anticipated
21 litigation, enforcement actions, or investigations.

22 "Contracting entity" means an entity that may execute a
23 contract with the member of the General Assembly.

24 "Entities and persons related to the contracting entity"
25 includes the following:

26 (1) any entity that is a parent of, or owns a
27 controlling interest in, the contracting entity;

28 (2) any entity that is a subsidiary of, or owns a
29 controlling interest in, the contracting entity;

30 (3) any State, local, or federal political committee
31 that makes or may make political contributions on behalf of

1 or at the direction of the contracting entity; and

2 (4) any persons or the spouse or children of persons
3 who (i) have an ownership or distributive income share in
4 the contracting entity that is in excess of 5%, or an
5 amount greater than 60% of the annual salary of the
6 Governor; (ii) serve as executive officers of the
7 contracting entity; (iii) are employed by the contracting
8 entity who are required to register as lobbyists under the
9 Lobbyist Registration Act; (iv) are individuals or
10 entities with whom the contracting entity is contracting
11 who are required to register as lobbyists under the
12 Lobbyist Registration Act; and (v) are employed by the
13 contracting entity who are special government agents as
14 defined in 5 ILCS 420/4A-101(1).

15 "Competitively bid" means procurement under a process
16 substantially similar to the competitive sealed bidding
17 requirements set forth in Articles 20, 25, and 30 of the
18 Illinois Procurement Code (but does not include procurement
19 under a request-for-proposals process that is substantially
20 similar to Article 35 of the Illinois Procurement Code).

21 Section 1-10. Contracts. A member of the General Assembly
22 shall not enter into any contract that is not competitively bid
23 with a contracting entity if that contracting entity or
24 entities and persons related to the contracting entity have
25 made a political contribution to a political committee
26 organized on behalf of or controlled by the member of the
27 General Assembly signing the contract within the 48 months
28 prior to selection of the contracting entity. No contracting
29 entity or entities and persons related to a contracting entity
30 shall make a political contribution to any political committee
31 organized on behalf of or controlled by a member of the General
32 Assembly if the contracting entity is currently a party to any
33 contract with that member of the General Assembly that was not
34 competitively bid.

1 Section 1-15. Violation. Any contract entered into in
2 violation of this Article may be declared void by the member of
3 the General Assembly who executed the contract or his or her
4 successor or by the Comptroller, with the approval of the
5 Attorney General.

6 ARTICLE 5

7 Section 5-1. Short title. This Article may be cited as the
8 Lieutenant Governor's No Bid, No Contribution Act.

9 Section 5-5. Definitions. For purposes of this Article:

10 "Contract" means any contract or agreement for goods or
11 services executed by the office of the Lieutenant Governor with
12 any value, except, regardless of amount, "contract" as used in
13 this Section shall not include the following:

14 (1) contracts with State agencies or officers or other
15 political subdivisions;

16 (2) hiring of an individual as an employee or
17 independent contractor, whether pursuant to an employment
18 code or policy or by contract directly with that
19 individual;

20 (3) collective bargaining contracts;

21 (4) purchase of real estate; or

22 (5) contracts necessary to prepare for anticipated
23 litigation, enforcement actions, or investigations.

24 "Contracting entity" means an entity that may execute a
25 contract with the Office of the Lieutenant Governor.

26 "Entities and persons related to the contracting entity"
27 includes the following:

28 (1) any entity that is a parent of, or owns a
29 controlling interest in, the contracting entity;

30 (2) any entity that is a subsidiary of, or owns a
31 controlling interest in, the contracting entity;

32 (3) any State, local, or federal political committee
33 that makes or may make political contributions on behalf of

1 or at the direction of the contracting entity;

2 (4) any persons or the spouse or children of persons
3 who (i) have an ownership or distributive income share in
4 the contracting entity that is in excess of 5%, or an
5 amount greater than 60% of the annual salary of the
6 Governor; (ii) serve as executive officers of the
7 contracting entity; (iii) are employed by the contracting
8 entity who are required to register as lobbyists under the
9 Lobbyist Registration Act; (iv) are individuals or
10 entities with whom the contracting entity is contracting
11 who are required to register as lobbyists under the
12 Lobbyist Registration Act; and (v) are employed by the
13 contracting entity who are special government agents as
14 defined in 5 ILCS 420/4A-101(1).

15 "Competitively bid" means procurement under a process
16 substantially similar to the competitive sealed bidding
17 requirements set forth in Articles 20, 25, and 30 of the
18 Illinois Procurement Code (but does not include procurement
19 under a request-for-proposals process that is substantially
20 similar to Article 35 of the Illinois Procurement Code).

21 Section 5-10. Contracts. The Office of the Lieutenant
22 Governor shall not enter into any contract that is not
23 competitively bid with a contracting entity if that contracting
24 entity or entities and persons related to the contracting
25 entity have made a political contribution to a political
26 committee organized on behalf of or controlled by the
27 individual then serving as Lieutenant Governor within the 48
28 months prior to selection of the contracting entity. No
29 contracting entity or entities and persons related to a
30 contracting entity shall make a political contribution to any
31 political committee organized on behalf of or controlled by the
32 individual then serving as Lieutenant Governor if the
33 contracting entity is currently a party to any contract with
34 the Office of the Lieutenant Governor awarded by the current
35 office holder that was not competitively bid.

1 Section 5-15. Violation. Any contract entered into in
2 violation of this Article may be declared void by the officer
3 who executed the contract or his or her successor or by the
4 Comptroller, with the approval of the Attorney General.

5 ARTICLE 90

6 Section 90-2. The Election Code is amended by adding
7 Section 9-7.15 as follows:

8 (10 ILCS 5/9-7.15 new)

9 Sec. 9-7.15. Contractor contributions.

10 (a) As of the effective date of this amendatory Act of the
11 94th General Assembly, a member of the General Assembly, a
12 State executive branch constitutional officer, a candidate for
13 the office of State executive branch constitutional officer or
14 member of the General Assembly, or a political committee
15 organized on behalf of or controlled by the office holder or
16 candidate shall not accept contributions from:

17 (1) A State contractor to whom that office holder or
18 candidate has awarded or signed a contract within the past
19 48 months that was not competitively bid;

20 (2) Entities and persons related to a State contractor
21 to whom that office holder or candidate has awarded or
22 signed a contract within the past 48 months that was not
23 competitively bid, which shall include the following:

24 (A) any entity that is a parent of, or owns a
25 controlling interest in, the contractor,

26 (B) any entity that is a subsidiary of, or owns a
27 controlling interest in, the contractor;

28 (C) any State, local, or federal political
29 committee that makes or may make political
30 contributions on behalf of or at the direction of the
31 contractor;

32 (D) any persons or the spouse or children of

1 persons who (i) have an ownership or distributive
2 income share in the contractor that is in excess of 5%,
3 or an amount greater than 60% of the annual salary of
4 the Governor; (ii) serve as executive officers of the
5 contractor; (iii) are employed by the contractor who
6 are required to register as lobbyists under the
7 Lobbyist Registration Act; (iv) are individuals or
8 entities with whom the contractor is contracting who
9 are required to register as lobbyists under the
10 Lobbyist Registration Act; and (v) are employed by the
11 contractor who are special government agents as
12 defined in 5 ILCS 420/4A-101(1).

13 (b) As used in this Section, "competitively bid" means
14 procurement under a process following or substantially similar
15 to the competitive sealed bidding requirements set forth in
16 Articles 20, 25, and 30 of the Illinois Procurement Code (but
17 does not include procurement under a request-for-proposals
18 process that follows or is substantially similar to Article 35
19 of the Illinois Procurement Code); and "State executive branch
20 constitutional officer" means the Governor, Lieutenant
21 Governor, Attorney General, Secretary of State, State
22 Comptroller, and State Treasurer.

23 Section 90-5. The State Budget Law is amended by adding
24 Section 50-25 as follows:

25 (15 ILCS 20/50-25 new)

26 Sec. 50-25. Governor's No Bid, No Contribution Contracts.

27 (a) For purposes of this Section:

28 "Contract" means any contract or agreement for goods or
29 services executed by the Office of the Governor, with any
30 value, except, regardless of amount, "contract" as used in this
31 Section shall not include the following:

32 (1) contracts with State agencies or officers or other
33 political subdivisions;

34 (2) hiring of an individual as an employee or

1 independent contractor, whether pursuant to an employment
2 code or policy or by contract directly with that
3 individual;

4 (3) collective bargaining contracts;

5 (4) purchase of real estate; or

6 (5) contracts necessary to prepare for anticipated
7 litigation, enforcement actions, or investigations.

8 "Contracting entity" means an entity that may execute a
9 contract with the Office of the Governor.

10 "Entities and persons related to the contracting entity"
11 includes the following:

12 (1) any entity that is a parent of, or owns a
13 controlling interest in, the contracting entity;

14 (2) any entity that is a subsidiary of, or owns a
15 controlling interest in, the contracting entity;

16 (3) any State, local, or federal political committee
17 that makes or may make political contributions on behalf of
18 or at the direction of the contracting entity; and

19 (4) any persons or the spouse or children of persons
20 who (i) have an ownership or distributive income share in
21 the contracting entity that is in excess of 5%, or an
22 amount greater than 60% of the annual salary of the
23 Governor; (ii) serve as executive officers of the
24 contracting entity; (iii) are employed by the contracting
25 entity who are required to register as lobbyists under the
26 Lobbyist Registration Act; (iv) are individuals or
27 entities with whom the contracting entity is contracting
28 who are required to register as lobbyists under the
29 Lobbyist Registration Act; and (v) are employed by the
30 contracting entity who are special government agents as
31 defined in 5 ILCS 420/4A-101(1).

32 "Competitively bid" means procurement under a process
33 substantially similar to the competitive sealed bidding
34 requirements set forth in Articles 20, 25, and 30 of the
35 Illinois Procurement Code (but does not include procurement
36 under a request-for-proposals process that is substantially

1 similar to Article 35 of the Illinois Procurement Code).

2 (b) The Office of the Governor shall not enter into any
3 contract that is not competitively bid with a contracting
4 entity if that contracting entity or entities and persons
5 related to the contracting entity have made a political
6 contribution to a political committee organized on behalf of or
7 controlled by the individual then serving as Governor within
8 the 48 months prior to selection of the contracting entity. No
9 contracting entity or entities and persons related to a
10 contracting entity shall make a political contribution to any
11 political committee organized on behalf of or controlled by the
12 person then serving as Governor if the contracting entity is
13 currently a party to any contract with the Office of the
14 Governor awarded by the current office holder that was not
15 competitively bid.

16 (c) Any contract entered into in violation of this Section
17 may be declared void by the officer who executed the contract
18 or his or her successor or by the Comptroller, with the
19 approval of the Attorney General.

20 Section 90-10. The Attorney General Act is amended by
21 adding Section 6.10 as follows:

22 (15 ILCS 205/6.10 new)

23 Sec. 6.10. Attorney General's No Bid, No Contribution
24 Contracts.

25 (a) For purposes of this Section:

26 "Contract" means any contract or agreement for goods or
27 services executed by the Office of the Attorney General, with
28 any value, except, regardless of amount, "contract" as used in
29 this Section shall not include the following:

30 (1) contracts with State agencies or officers or other
31 political subdivisions;

32 (2) hiring of an individual as an employee or
33 independent contractor, whether pursuant to an employment
34 code or policy or by contract directly with that

1 individual;

2 (3) collective bargaining contracts;

3 (4) purchase of real estate; or

4 (5) contracts necessary to prepare for anticipated
5 litigation, enforcement actions or investigations.

6 "Contracting entity" means an entity that may execute a
7 contract with the Office of the Attorney General.

8 "Entities and persons related to the contracting entity"
9 includes the following:

10 (1) any entity that is a parent of, or owns a
11 controlling interest in, the contracting entity;

12 (2) any entity that is a subsidiary of, or owns a
13 controlling interest in, the contracting entity;

14 (3) any State, local, or federal political committee
15 that makes or may make political contributions on behalf of
16 or at the direction of the contracting entity; and

17 (4) any persons or the spouse or children of persons
18 who (i) have an ownership or distributive income share in
19 the contracting entity that is in excess of 5%, or an
20 amount greater than 60% of the annual salary of the
21 Governor; (ii) serve as executive officers of the
22 contracting entity; (iii) are employed by the contracting
23 entity who are required to register as lobbyists under the
24 Lobbyist Registration Act; (iv) are individuals or
25 entities with whom the contracting entity is contracting
26 who are required to register as lobbyists under the
27 Lobbyist Registration Act; and (v) are employed by the
28 contracting entity who are special government agents as
29 defined in 5 ILCS 420/4A-101(1).

30 "Competitively bid" means procurement under a process
31 substantially similar to the competitive sealed bidding
32 requirements set forth in Articles 20, 25, and 30 of the
33 Illinois Procurement Code (but does not include procurement
34 under a request-for-proposals process that is substantially
35 similar to Article 35 of the Illinois Procurement Code).

36 (b) The Office of the Attorney General shall not enter into

1 any contract that is not competitively bid with a contracting
2 entity if that contracting entity or entities and persons
3 related to the contracting entity have made a political
4 contribution to a political committee organized on behalf of or
5 controlled by the individual then serving as Attorney General
6 within the 48 months prior to selection of the contracting
7 entity. No contracting entity or entities and persons related
8 to a contracting entity shall make a political contribution to
9 any political committee organized on behalf of or controlled by
10 the person then serving as Attorney General if the contracting
11 entity is currently a party to any contract with the Office of
12 the Attorney General awarded by the current office holder that
13 was not competitively bid.

14 (c) Any contract entered into in violation of this Section
15 may be declared void by the officer who executed the contract
16 or his or her successor or by the Comptroller, with the
17 approval of the Treasurer.

18 Section 90-12. The Secretary of State Act is amended by
19 adding Section 30 as follows:

20 (15 ILCS 305/30 new)

21 Sec. 30. Secretary of State's No Bid, No Contribution
22 Contracts.

23 (a) For purposes of this Section:

24 "Contract" means any contract or agreement for goods or
25 services executed by the Office of the Secretary of State, with
26 any value, except, regardless of amount, "contract" as used in
27 this Section shall not include the following:

28 (1) contracts with State agencies or officers or other
29 political subdivisions;

30 (2) hiring of an individual as an employee or
31 independent contractor, whether pursuant to an employment
32 code or policy or by contract directly with that
33 individual;

34 (3) collective bargaining contracts;

1 (4) purchase of real estate; or

2 (5) contracts necessary to prepare for anticipated
3 litigation, enforcement actions, or investigations.

4 "Contracting entity" means an entity that may execute a
5 contract with the Office of the Secretary of State.

6 "Entities and persons related to the contracting entity"
7 includes the following:

8 (1) any entity that is a parent of, or owns a
9 controlling interest in, the contracting entity;

10 (2) any entity that is a subsidiary of, or owns a
11 controlling interest in, the contracting entity;

12 (3) any State, local, or federal political committee
13 that makes or may make political contributions on behalf of
14 or at the direction of the contracting entity;

15 (4) any persons or the spouse or children of persons
16 who (i) have an ownership or distributive income share in
17 the contracting entity that is in excess of 5%, or an
18 amount greater than 60% of the annual salary of the
19 Governor; (ii) serve as executive officers of the
20 contracting entity; (iii) are employed by the contracting
21 entity who are required to register as lobbyists under the
22 Lobbyist Registration Act; (iv) are individuals or
23 entities with whom the contracting entity is contracting
24 who are required to register as lobbyists under the
25 Lobbyist Registration Act; and (v) are employed by the
26 contracting entity who are special government agents as
27 defined in 5 ILCS 420/4A-101(l).

28 "Competitively bid" means procurement under a process
29 substantially similar to the competitive sealed bidding
30 requirements set forth in Articles 20, 25, and 30 of the
31 Illinois Procurement Code (but does not include procurement
32 under a request-for-proposals process that is substantially
33 similar to Article 35 of the Illinois Procurement Code).

34 (b) The Office of the Secretary of State shall not enter
35 into any contract that is not competitively bid with a
36 contracting entity if that contracting entity or entities and

1 persons related to the contracting entity have made a political
2 contribution to a political committee organized on behalf of or
3 controlled by the individual then serving as Secretary of State
4 within the 48 months prior to selection of the contracting
5 entity. No contracting entity or entities and persons related
6 to a contracting entity shall make a political contribution to
7 any political committee organized on behalf of or controlled by
8 the person then serving as Secretary of State if the
9 contracting entity is currently a party to any contract with
10 the Office of the Secretary of State awarded by the current
11 office holder that was not competitively bid.

12 (c) Any contract entered into in violation of this Section
13 may be declared void by the officer who executed the contract
14 or his or her successor or by the Comptroller, with the
15 approval of the Treasurer.

16 Section 90-15. The State Comptroller Act is amended by
17 adding Section 40 as follows:

18 (15 ILCS 405/40 new)

19 Sec. 40. Comptroller's No Bid, No Contribution Contracts.

20 (a) For purposes of this Section:

21 "Contract" means any contract or agreement for goods or
22 services executed by the Office of the Comptroller, with any
23 value, except, regardless of amount, "contract" as used in this
24 Section shall not include the following:

25 (1) contracts with State agencies or officers or other
26 political subdivisions;

27 (2) hiring of an individual as an employee or
28 independent contractor, whether pursuant to an employment
29 code or policy or by contract directly with that
30 individual;

31 (3) collective bargaining contracts;

32 (4) purchase of real estate; or

33 (5) contracts necessary to prepare for anticipated
34 litigation, enforcement actions, or investigations.

1 "Contracting entity" means an entity that may execute a
2 contract with the Office of the Comptroller.

3 "Entities and persons related to the contracting entity"
4 includes the following:

5 (1) any entity that is a parent of, or owns a
6 controlling interest in, the contracting entity;

7 (2) any entity that is a subsidiary of, or owns a
8 controlling interest in, the contracting entity;

9 (3) any State, local, or federal political committee
10 that makes or may make political contributions on behalf of
11 or at the direction of the contracting entity;

12 (4) any persons or the spouse or children of persons
13 who (i) have an ownership or distributive income share in
14 the contracting entity that is in excess of 5%, or an
15 amount greater than 60% of the annual salary of the
16 Governor; (ii) serve as executive officers of the
17 contracting entity; (iii) are employed by the contracting
18 entity who are required to register as lobbyists under the
19 Lobbyist Registration Act; (iv) are individuals or
20 entities with whom the contracting entity is contracting
21 who are required to register as lobbyists under the
22 Lobbyist Registration Act; and (v) are employed by the
23 contracting entity who are special government agents as
24 defined in 5 ILCS 420/4A-101(1).

25 "Competitively bid" means procurement under a process
26 substantially similar to the competitive sealed bidding
27 requirements set forth in Articles 20, 25, and 30 of the
28 Illinois Procurement Code (but does not include procurement
29 under a request-for-proposals process that is substantially
30 similar to Article 35 of the Illinois Procurement Code).

31 (b) The Office of the Comptroller shall not enter into any
32 contract that is not competitively bid with a contracting
33 entity if that contracting entity or entities and persons
34 related to the contracting entity have made a political
35 contribution to a political committee organized on behalf of or
36 controlled by the individual then serving as Comptroller within

1 the 48 months prior to selection of the contracting entity. No
2 contracting entity or entities and persons related to a
3 contracting entity shall make a political contribution to any
4 political committee organized on behalf of or controlled by the
5 person then serving as Comptroller if the contracting entity is
6 currently a party to any contract with the Office of the
7 Comptroller awarded by the current office holder that was not
8 competitively bid.

9 (c) Any contract entered into in violation of this Section
10 may be declared void by the officer who executed the contract
11 or his or her successor or by the Attorney General, with the
12 approval of the Treasurer.

13 Section 90-17. The State Treasurer Act is amended by adding
14 Section 25 as follows:

15 (15 ILCS 505/25 new)

16 Sec. 25. Treasurer's No Bid, No Contribution Contracts.

17 (a) For purposes of this Section:

18 "Contract" means any contract or agreement for goods or
19 services executed by the Office of the Treasurer, with any
20 value, except, regardless of amount, "contract" as used in this
21 Section shall not include the following:

22 (1) contracts with State agencies or officers or other
23 political subdivisions;

24 (2) hiring of an individual as an employee or
25 independent contractor, whether pursuant to an employment code
26 or policy or by contract directly with that individual;

27 (3) collective bargaining contracts;

28 (4) purchase of real estate; or

29 (5) contracts necessary to prepare for anticipated
30 litigation, enforcement actions, or investigations.

31 "Contracting entity" means an entity that may execute a
32 contract with the Office of the Treasurer.

33 "Entities and Persons Related to the Contracting Entity"
34 includes the following:

1 (1) any entity that is a parent of, or owns a
2 controlling interest in, the contracting entity;

3 (2) any entity that is a subsidiary of, or owns a
4 controlling interest in, the contracting entity;

5 (3) any State, local, or federal political committee
6 that makes or may make political contributions on behalf of
7 or at the direction of the contracting entity; and

8 (4) any persons or the spouse or children of persons
9 who (i) have an ownership or distributive income share in
10 the contracting entity that is in excess of 5%, or an
11 amount greater than 60% of the annual salary of the
12 Governor; (ii) serve as executive officers of the
13 contracting entity; (iii) are employed by the contracting
14 entity who are required to register as lobbyists under the
15 Lobbyist Registration Act; (iv) are individuals or
16 entities with whom the contracting entity is contracting
17 who are required to register as lobbyists under the
18 Lobbyist Registration Act; and (v) are employed by the
19 contracting entity who are special government agents as
20 defined in 5 ILCS 420/4A-101(1).

21 "Competitively bid" means procurement under a process
22 substantially similar to the competitive sealed bidding
23 requirements set forth in Articles 20, 25, and 30 of the
24 Illinois Procurement Code (but does not include procurement
25 under a request-for-proposals process that is substantially
26 similar to Article 35 of the Illinois Procurement Code).

27 (b) The Office of the Treasurer shall not enter into any
28 contract that is not competitively bid with a contracting
29 entity if that contracting entity or entities and persons
30 related to the contracting entity have made a political
31 contribution to a political committee organized on behalf of or
32 controlled by the individual then serving as Treasurer within
33 the 48 months prior to selection of the contracting entity. No
34 contracting entity or entities and persons related to a
35 contracting entity shall make a political contribution to any
36 political committee organized on behalf of or controlled by the

1 person then serving as Treasurer if the contracting entity is
2 currently a party to any contract with the Office of the
3 Treasurer awarded by the current office holder that was not
4 competitively bid.

5 (c) Any contract entered into in violation of this Section
6 may be declared void by the officer who executed the contract
7 or his or her successor or by the Comptroller, with the
8 approval of the Attorney General.

9 Section 90-25. The Illinois Procurement Code is amended by
10 adding Section 50-37 as follows:

11 (30 ILCS 500/50-37 new)

12 Sec. 50-37. No Bid, No Contribution Contracts.

13 (a) For purposes of this Section:

14 "Contract" means any contract or agreement for goods or
15 services executed by a State agency, with any value, except,
16 regardless of amount, "contract" as used in this Section shall
17 not include the following:

18 (1) contracts with State agencies or officers or other
19 political subdivisions;

20 (2) hiring of an individual as an employee or
21 independent contractor, whether pursuant to an employment
22 code or policy or by contract directly with that
23 individual;

24 (3) collective bargaining contracts;

25 (4) purchase of real estate; or

26 (5) contracts necessary to prepare for anticipated
27 litigation, enforcement actions or investigations.

28 "Contracting entity" means an entity that may execute a
29 contract with the State agency.

30 "Entities and persons related to the contracting entity"
31 includes the following:

32 (1) any entity that is a parent of, or owns a
33 controlling interest in, the contracting entity;

34 (2) any entity that is a subsidiary of, or owns a

1 controlling interest in, the contracting entity;

2 (3) any State, local, or federal political committee
3 that makes or may make political contributions on behalf of
4 or at the direction of the contracting entity;

5 (4) any persons or the spouse or children of persons
6 who (i) have an ownership or distributive income share in
7 the contracting entity that is in excess of 5%, or an
8 amount greater than 60% of the annual salary of the
9 Governor; (ii) serve as executive officers of the
10 contracting entity; (iii) are employed by the contracting
11 entity who are required to register as lobbyists under the
12 Lobbyist Registration Act; (iv) are individuals or
13 entities with whom the contracting entity is contracting
14 who are required to register as lobbyists under the
15 Lobbyist Registration Act; and (v) are employed by the
16 contracting entity who are special government agents as
17 defined in 5 ILCS 420/4A-101(1).

18 "Competitively bid" means procurement under the
19 competitive sealed bidding requirements set forth in Articles
20 20, 25, and 30 of the Illinois Procurement Code (but does not
21 include procurement under Article 35 of the Illinois
22 Procurement Code).

23 (b) A State agency shall not enter into any contract that
24 is not competitively bid with a contracting entity if that
25 contracting entity or entities and persons related to the
26 contracting entity have made a political contribution to a
27 political committee organized on behalf of or controlled by the
28 individual then serving as Governor within the 48 months prior
29 to selection of the contracting entity. No contracting entity
30 or entities and persons related to a contracting entity shall
31 make a political contribution to any political committee
32 organized on behalf of or controlled by the individual then
33 serving as Governor if the contracting entity is currently a
34 party to any contract with a State agency awarded by a State
35 agency during the term of office of the individual then serving
36 as Governor that was not competitively bid.

