



Sen. Christine Radogno

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09500HB0824sam006

LRB095 10469 JAM 49755 a

1 AMENDMENT TO HOUSE BILL 824

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 824, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Procurement Code is amended by  
6 adding Section 50-37 as follows:

7 (30 ILCS 500/50-37 new)

8 Sec. 50-37. Prohibition of political contributions.

9 (a) As used in this Section:

10 "Contribution" means a contribution as defined in  
11 Section 9-1.4 of the Election Code.

12 "Officeholder" means the Governor, Lieutenant  
13 Governor, Attorney General, Secretary of State,  
14 Comptroller, or Treasurer. The Governor shall be  
15 considered the officeholder responsible for awarding all  
16 contracts by all officers and employees of, and vendors and

1 others doing business with, executive branch State  
2 agencies under the jurisdiction of the Executive Ethics  
3 Commission and not within the jurisdiction of the Attorney  
4 General, the Secretary of State, the Comptroller, or the  
5 Treasurer.

6 "Sponsoring entity" means a sponsoring entity as  
7 defined in Section 9-3 of the Election Code.

8 "Affiliated person" means (i) any person with any  
9 ownership interest or distributive share of the bidding or  
10 contracting business entity in excess of 7.5%, (ii)  
11 executive employees of the bidding or contracting business  
12 entity, and (iii) the spouse and minor children of any such  
13 persons.

14 "Affiliated entity" means (i) any subsidiary of the  
15 bidding or contracting business entity, (ii) any member of  
16 the same unitary business group, or (iii) any political  
17 committee for which the bidding or contracting business  
18 entity is the sponsoring entity.

19 "Business entity" means any entity doing business for  
20 profit, whether organized as a corporation, partnership,  
21 sole proprietorship, limited liability company or  
22 partnership, or otherwise, but does not include any entity  
23 that has a grant agreement but no other agreement with the  
24 State.

25 "Executive employee" means the President, Chairman,  
26 Chief Executive Officer, or other employee with executive

1 decision-making authority over the long-term and  
2 day-to-day affairs of the entity employing the employee, or  
3 an employee whose compensation is determined directly, in  
4 whole or in part, by the award or payment of contracts by a  
5 State agency to the entity employing the employee.

6 "Semi-annual reporting period" means the period for  
7 which semi-annual reports of campaign contributions and  
8 expenditures must be made pursuant to Section 9-10(c) of  
9 the Election Code.

10 "Union" means any labor organization with a current  
11 collective bargaining agreement with the State and  
12 includes a national or international organization with  
13 which that labor organization is affiliated and other local  
14 labor organizations that are affiliated with that national  
15 or international labor organization.

16 (b) Any business entity whose contracts with State  
17 agencies, in the aggregate, annually total more than \$50,000  
18 and any affiliated entities of such business entity and all  
19 unions are prohibited from making any contributions to any  
20 political committees established to promote the candidacy of  
21 the officeholder responsible for awarding the contracts or  
22 implementing the collective bargaining agreement or of any  
23 other declared candidate for that office. This prohibition  
24 shall be effective for the duration of the term of office of  
25 the incumbent officeholder awarding the contracts or  
26 implementing the collective bargaining agreement or for a

1 period of 2 years following the expiration or termination of  
2 the contracts or collective bargaining agreement, whichever is  
3 longer. Affiliated persons of any business entity whose  
4 contracts with State agencies, in the aggregate, annually total  
5 more than \$50,000 are prohibited from making any contributions  
6 in excess of \$500 in the aggregate in any semi-annual reporting  
7 period to any political committees established to promote the  
8 candidacy of the officeholder responsible for awarding the  
9 contracts or of any other declared candidate for that office.

10 (c) Any business entity whose aggregate pending bids and  
11 proposals on State contracts total more than \$50,000, or whose  
12 aggregate pending bids and proposals on State contracts  
13 combined with the business entity's aggregate annual total  
14 value of State contracts exceed \$50,000, and any affiliated  
15 entities of such business entities, are prohibited from making  
16 any contributions to any political committee established to  
17 promote the candidacy of the officeholder responsible for  
18 awarding the contract on which the business entity has  
19 submitted a bid or proposal during the period beginning on the  
20 date the invitation for bids or request for proposals is issued  
21 and ending on the day after the date the contract is awarded.  
22 Affiliated persons of any business entity whose aggregate  
23 pending bids or proposals on State contracts, in the aggregate,  
24 annually total more that \$50,000, or whose aggregate pending  
25 bids and proposals on State contracts combined with the  
26 business entity's aggregate annual total value of State

1 contracts exceed \$50,000, are prohibited from making any  
2 contributions in excess of \$150 to any political committees  
3 established to promote the candidacy of the officeholder  
4 responsible for awarding the contract on which the business has  
5 submitted a bid or proposal during the period beginning on the  
6 date the invitation for bids or request for proposals is issued  
7 and ending on the day after the date the contract is awarded.

8 (d) All contracts between State agencies and a business  
9 entity that violates subsection (b) or (c) shall be voidable  
10 under Section 50-60. If a business entity violates subsection  
11 (b) 3 or more times within a 36-month period, then all  
12 contracts between State agencies and that business entity shall  
13 be void, and that business entity shall not bid or respond to  
14 any invitation to bid or request for proposals from any State  
15 agency or otherwise enter into any contract with any State  
16 agency for 3 years from the date of the last violation. A  
17 notice of each violation and the penalty imposed shall be  
18 published in both the Procurement Bulletin and the Illinois  
19 Register.

20 (e) Any political committee that has received a  
21 contribution in violation of subsection (b) or (c) shall pay an  
22 amount equal to the value of the contribution to the State no  
23 more than 30 days after notice of the violation concerning the  
24 contribution appears in the Illinois Register. Payments  
25 received by the State pursuant to this subsection shall be  
26 deposited into the general revenue fund."