



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB6694

by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-36 new
30 ILCS 500/40-17 new
30 ILCS 500/40-45
30 ILCS 500/40-46
30 ILCS 605/7.4
30 ILCS 605/7.5

Amends the Election Code, the Illinois Procurement Code, and the State Property Control Act. Requires the State Board of Elections to develop and maintain on its website a searchable database, derived from political committees' finance reports, of contributors to candidates for and holders of the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Comptroller, and State Treasurer. Prohibits an executive branch State agency from executing a lease with a business entity if the business entity or any of its affiliates has made any campaign contribution of \$150 to the officeholder responsible for awarding the lease during the 24 months before the general election at which that officeholder was first elected or re-elected to his or her current office and the officeholder's entire term. Requires the business entity to disclose its affiliates and to certify that no violating contributions have been made. Requires the State agency to check the names of the business entity and its affiliates against the State Board of Elections' contributor database. Makes violations subject to voidability of the lease, voidability of other State leases, and prohibition against future leases. Applies to certain leases otherwise not subject to the Illinois Procurement Code. Effective immediately.

LRB095 22292 JAM 52607 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning ethics.

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

4 Section 5. The Election Code is amended by adding Section
5 9-36 as follows:

6 (10 ILCS 5/9-36 new)

7 Sec. 9-36. Contributor registry.

8 (a) As used in this Section, the term "office" means the
9 office of Governor, Lieutenant Governor, Attorney General,
10 Secretary of State, State Comptroller, and State Treasurer.

11 (b) The State Board shall develop and maintain on its
12 official website a searchable database of persons and entities
13 making contributions to political committees established to
14 promote candidates for office or the candidacy of
15 officeholders. The information shall be obtained from the
16 political committees' contribution reports filed under this
17 Article and shall include the following, arranged and
18 cross-referenced by name of candidate or officeholder for whom
19 the contribution was made and by name of contributor: (i) the
20 contributor's name and mailing address; (ii) the name of the
21 candidate or officeholder for whom the contribution was made;
22 (iii) the date and amount of each contribution reported for
23 that candidate or officeholder; and (iv) the contributor's

1 occupation and employer, when reported. The Board shall not
2 place the name of a minor child on the website. The Board shall
3 provide a link to all contributions made by anyone reporting
4 the same residential address.

5 (c) The State Board shall maintain each entry in the
6 database (i) in the case of contributions for an officeholder,
7 for at least 4 years after the officeholder has left office,
8 and (ii) in the case of a candidate not elected to office, for
9 at least 2 years after the general election at which the office
10 sought by that candidate was filled.

11 Section 10. The Illinois Procurement Code is amended by
12 changing Sections 40-45 and 40-46 and by adding Section 40-17
13 as follows:

14 (30 ILCS 500/40-17 new)

15 Sec. 40-17. Prohibition against political contributors.

16 (a) As used in this Section:

17 "Affiliated entity" means (i) any subsidiary of the
18 business entity, (ii) any member of the same unitary
19 business group, (iii) any organization recognized by the
20 United States Internal Revenue Service as a tax-exempt
21 organization described in Section 501(c) of the Internal
22 Revenue Code of 1986 (or any successor provision of federal
23 tax law) established by the business entity, any affiliated
24 entity of that business entity, or any affiliated person of

1 that business entity, or (iv) any political committee for
2 which the business entity, or any 501(c) organization
3 described in item (iii) related to that business entity, is
4 the sponsoring entity.

5 "Affiliated person" means (i) any person with any
6 ownership interest or distributive share of the business
7 entity in excess of 7.5%, (ii) executive employees of the
8 business entity, and (iii) an immediate family member of
9 any such persons.

10 "Business entity" means any entity doing business for
11 profit, whether organized as a corporation, partnership,
12 sole proprietorship, limited liability company or
13 partnership, or otherwise.

14 "Executive employee" means the President, Chairman,
15 Chief Executive Officer, or other employee with executive
16 decision-making authority over the long-term and
17 day-to-day affairs of the entity employing the employee, or
18 an employee whose compensation is determined directly, in
19 whole or in part, by the award or payment of leases with a
20 State agency to the entity employing the employee.

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

23 "Immediate family member" means:

24 (1) with respect to a person who is an affiliated
25 person because of an ownership interest or
26 distributive share of the business entity in excess of

1 7.5%, a spouse, minor child, adult child, parent, adult
2 brother, adult sister, or adult grandchild; and

3 (2) with respect to a person who is an affiliated
4 person because he or she is an executive employee, a
5 spouse, adult child, parent, adult brother, adult
6 sister, or adult grandchild.

7 "Officeholder" means the Governor, Lieutenant
8 Governor, Attorney General, Secretary of State,
9 Comptroller, or Treasurer. The Governor shall be
10 considered the officeholder responsible for awarding all
11 leases by all officers and employees of executive branch
12 State agencies under the jurisdiction of the Executive
13 Ethics Commission and not within the jurisdiction of the
14 Attorney General, the Secretary of State, the Comptroller,
15 or the Treasurer.

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

18 "State agency" means and includes all boards,
19 commissions, agencies, institutions, authorities, and
20 bodies politic and corporate of the State, created by or in
21 accordance with the Illinois Constitution or State
22 statute, of the executive branch of State government and
23 does include colleges, universities, public employee
24 retirement systems, and institutions under the
25 jurisdiction of the governing boards of the University of
26 Illinois, Southern Illinois University, Illinois State

1 University, Eastern Illinois University, Northern Illinois
2 University, Western Illinois University, Chicago State
3 University, Governors State University, Northeastern
4 Illinois University, and the Illinois Board of Higher
5 Education.

6 (b) A business entity is prohibited from executing a lease
7 of real property or capital improvement with a State agency if
8 the business entity or any of its affiliated entities or
9 affiliated persons, solely or in combination, has made any
10 contribution of \$150 to one or more political committees
11 established to promote the candidacy of the officeholder
12 responsible for awarding the lease during the 24-month period
13 immediately preceding the general election at which the
14 officeholder was first elected or re-elected to his or her
15 current office and the entire term of the officeholder.

16 (c) Each business entity's bid or response to a request for
17 information for a lease with a State agency must disclose, in a
18 manner prescribed by each chief procurement officer by rule,
19 the following information:

20 (1) the names by which the business entity has been
21 known, and its mailing address for each such name, at any
22 time during the 24-month period immediately preceding the
23 general election at which the officeholder responsible for
24 awarding the lease was first elected or re-elected to his
25 or her current office;

26 (2) the names and mailing addresses of all of the

1 business entity's affiliated entities and affiliated
2 persons, and descriptions of the affiliations, during the
3 24-month period immediately preceding the general election
4 at which the officeholder responsible for awarding the
5 lease was first elected or re-elected to his or her current
6 office; and

7 (3) to the best of the business entity's knowledge, the
8 total amount of contributions made by each entity or person
9 listed in items (1) and (2) during the period described in
10 items (1) and (2) to one or more political committees
11 established to promote the candidacy of the officeholder
12 responsible for awarding the lease.

13 The business entity must update the information provided
14 under this subsection in accordance with a schedule specified
15 by each chief procurement officer by rule.

16 (d) Before awarding a lease to and before executing a lease
17 with a business entity, the State agency must examine the
18 campaign contributor database maintained by the State Board of
19 Elections under Section 9-36 of the Election Code to determine
20 whether the business entity is disqualified from participating
21 in the lease procurement because of contributions in violation
22 of this Section.

23 (e) Every lease executed by the State on or after the
24 effective date of this amendatory Act of the 95th General
25 Assembly shall contain (1) a certification by the business
26 entity that the business entity and its affiliated entities and

1 affiliated persons have not made contributions in violation of
2 this Section and (2) a statement that the lease is voidable
3 under Section 50-60 for the business entity's failure to comply
4 with this Section.

5 (f) All leases between State agencies and a business entity
6 that violate this Section shall be voidable under Section
7 50-60. If a business entity violates this Section 3 or more
8 times within a 36-month period, then all leases between State
9 agencies and that business entity shall be void, and that
10 business entity shall not bid or respond to any invitation to
11 bid, request for proposals, or request for information from any
12 State agency or otherwise enter into any leases with any State
13 agency for 3 years from the date of the last violation. A
14 notice of each violation and the penalty imposed shall be
15 published in both the Procurement Bulletin and the Illinois
16 Register.

17 (g) The disclosures and certifications required by this
18 Section must include the business entity's verification of
19 accuracy and subject the business entity to the penalties of
20 the laws of this State for perjury. Intentional, willful, or
21 material failure to disclose information required under this
22 Section shall render the lease, bid, proposal, or other
23 procurement relationship voidable by the chief procurement
24 officer if he or she deems it to be in the best interest of the
25 State.

26 (h) This Section applies regardless of the method of source

1 selection used in awarding the lease.

2 (30 ILCS 500/40-45)

3 Sec. 40-45. Leases partially exempt from Article. A lease
4 entered into by the State under Section 7.4 of the State
5 Property Control Act is subject to Section 40-17 of this
6 Article but is otherwise not subject to the provisions of this
7 Article.

8 (Source: P.A. 93-19, eff. 6-20-03.)

9 (30 ILCS 500/40-46)

10 Sec. 40-46. Leases partially exempt from Article. A lease
11 entered into under Section 7.5 of the State Property Control
12 Act is subject to Section 40-17 of this Article but is
13 otherwise not subject to the provisions of this Article.

14 (Source: P.A. 93-19, eff. 6-20-03.)

15 Section 15. The State Property Control Act is amended by
16 changing Sections 7.4 and 7.5 as follows:

17 (30 ILCS 605/7.4)

18 Sec. 7.4. James R. Thompson Center; Elgin Mental Health
19 Center.

20 (a) Notwithstanding any other provision of this Act or any
21 other law to the contrary, the administrator is authorized
22 under this Section to dispose of or mortgage (i) the James R.

1 Thompson Center located in Chicago, Illinois and (ii) the Elgin
2 Mental Health Center and surrounding land located at 750 S.
3 State Street, Elgin, Illinois in any of the following ways:

4 (1) The administrator may sell the property as provided
5 in subsection (b).

6 (2) The administrator may sell the property as provided
7 in subsection (b), and the administrator may immediately
8 thereafter enter into a leaseback or other agreement that
9 directly or indirectly gives the State a right to use,
10 control, and possess the property. Notwithstanding any
11 other provision of law, a lease entered into by the
12 administrator under this subdivision (a)(2) may last for
13 any period not exceeding 99 years.

14 (3) The administrator may enter into a mortgage
15 agreement, using the property as collateral, to receive a
16 loan or a line of credit based on the equity available in
17 the property. Any loan obtained or line of credit
18 established under this subdivision (a)(3) must require
19 repayment in full in 20 years or less.

20 (b) The administrator shall obtain 3 appraisals of the real
21 property transferred under subdivision (a)(1) or (a)(2) of this
22 Section, one of which shall be performed by an appraiser
23 residing in the county in which the real property is located.
24 The average of these 3 appraisals, plus the costs of obtaining
25 the appraisals, shall represent the fair market value of the
26 real property. No property may be conveyed under subdivision

1 (a) (1) or (a) (2) of this Section by the administrator for less
2 than the fair market value. The administrator may sell the real
3 property by public auction following notice of the sale by
4 publication on 3 separate days not less than 15 nor more than
5 30 days prior to the sale in a daily newspaper having general
6 circulation in the county in which the real property is
7 located. If no acceptable offers for the real property are
8 received, the administrator may have new appraisals of the
9 property made. The administrator shall have all power necessary
10 to convey real property under subdivision (a) (1) or (a) (2) of
11 this Section.

12 The administrator shall have authority to order such
13 surveys, abstracts of title, or commitments for title insurance
14 as may, in his or her reasonable discretion, be deemed
15 necessary to demonstrate to prospective purchasers, bidders,
16 or mortgagees good and marketable title in any property offered
17 for sale or mortgage under this Section. Unless otherwise
18 specifically authorized by the General Assembly, all
19 conveyances of property made by the administrator under
20 subdivision (a) (1) or (a) (2) of this Section shall be by quit
21 claim deed.

22 (c) All moneys received from the sale or mortgage of real
23 property under this Section shall be deposited into the General
24 Revenue Fund.

25 (d) The administrator is authorized to enter into any
26 agreements and execute any documents necessary to exercise the

1 authority granted by this Section.

2 (e) Any agreement to dispose of or mortgage (i) the James
3 R. Thompson Center located in Chicago, Illinois or (ii) the
4 Elgin Mental Health Center and surrounding land located at 750
5 S. State Street, Elgin, Illinois pursuant to the authority
6 granted by this Section must be entered into no later than one
7 year after the effective date of this amendatory Act of the
8 93rd General Assembly.

9 (f) This Section is subject to Section 40-17 of the
10 Illinois Procurement Code.

11 (Source: P.A. 93-19, eff. 6-20-03.)

12 (30 ILCS 605/7.5)

13 Sec. 7.5. Illinois State Toll Highway Authority
14 headquarters.

15 (a) Notwithstanding any other provision of this Act or any
16 other law to the contrary, the Illinois State Toll Highway
17 Authority, as set forth in items (1) through (3), is authorized
18 under this Section to dispose of or mortgage the Illinois State
19 Toll Highway Authority headquarters building and surrounding
20 land, located at 2700 Ogden Avenue, Downers Grove, Illinois in
21 any of the following ways:

22 (1) The Authority may sell the property as provided in
23 subsection (b).

24 (2) The Authority may sell the property as provided in
25 subsection (b) and may immediately thereafter enter into a

1 leaseback or other agreement that directly or indirectly
2 gives the State or the Authority a right to use, control,
3 and possess the property. Notwithstanding any other
4 provision of law, a lease entered into under this
5 subdivision (a)(2) may last for any period not exceeding 99
6 years.

7 (3) The Authority may enter into a mortgage agreement,
8 using the property as collateral, to receive a loan or a
9 line of credit based on the equity available in the
10 property. Any loan obtained or line of credit established
11 under this subdivision (a)(3) must require repayment in
12 full in 20 years or less.

13 (b) The Illinois State Toll Highway Authority shall obtain
14 3 appraisals of the real property transferred under subdivision
15 (a)(1) or (a)(2) of this Section, one of which shall be
16 performed by an appraiser residing in the county in which the
17 real property is located. The average of these 3 appraisals,
18 plus the costs of obtaining the appraisals, shall represent the
19 fair market value of the real property. No property may be
20 conveyed under subdivision (a)(1) or (a)(2) of this Section by
21 the Authority for less than the fair market value. The
22 Authority may sell the real property by public auction
23 following notice of the sale by publication on 3 separate days
24 not less than 15 nor more than 30 days prior to the sale in a
25 daily newspaper having general circulation in the county in
26 which the real property is located. If no acceptable offers for

1 the real property are received, the Authority may have new
2 appraisals of the property made. The Authority shall have all
3 power necessary to convey real property under subdivision
4 (a) (1) or (a) (2) of this Section.

5 The Illinois State Toll Highway Authority shall have
6 authority to order such surveys, abstracts of title, or
7 commitments for title insurance as may, in his or her
8 reasonable discretion, be deemed necessary to demonstrate to
9 prospective purchasers, bidders, or mortgagees good and
10 marketable title in any property offered for sale or mortgage
11 under this Section. Unless otherwise specifically authorized
12 by the General Assembly, all conveyances of property made by
13 the Authority under subdivision (a) (1) or (a) (2) of this
14 Section shall be by quit claim deed.

15 (c) All moneys received from the sale or mortgage of real
16 property under this Section shall be deposited into the General
17 Revenue Fund.

18 (d) The Authority is authorized to enter into any
19 agreements and execute any documents necessary to exercise the
20 authority granted by this Section.

21 (e) Any agreement to dispose of or mortgage the Illinois
22 State Toll Highway Authority headquarters building and
23 surrounding land located at 2700 Ogden Avenue, Downers Grove,
24 Illinois pursuant to the authority granted by this Section must
25 be entered into no later than one year after the effective date
26 of this amendatory Act of the 93rd General Assembly.

1 (f) The provisions of this Section apply and control
2 notwithstanding any other provision of this Act or any other
3 law to the contrary.

4 (g) This Section is subject to Section 40-17 of the
5 Illinois Procurement Code.

6 (Source: P.A. 93-19, eff. 6-20-03.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.