



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0231

Introduced 2/7/2007, 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.

LRB095 04679 JAM 24737 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

1 contract with the member of the General Assembly.

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

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

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

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

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

25 "Competitively bid" means procurement under a process
26 substantially similar to the competitive sealed bidding

1 requirements set forth in Articles 20, 25, and 30 of the
2 Illinois Procurement Code (but does not include procurement
3 under a request-for-proposals process that is substantially
4 similar to Article 35 of the Illinois Procurement Code).

5 Section 1-10. Contracts. A member of the General Assembly
6 shall not enter into any contract that is not competitively bid
7 with a contracting entity if that contracting entity or
8 entities and persons related to the contracting entity have
9 made a political contribution to a political committee
10 organized on behalf of or controlled by the member of the
11 General Assembly signing the contract within the 48 months
12 prior to selection of the contracting entity. No contracting
13 entity or entities and persons related to a contracting entity
14 shall make a political contribution to any political committee
15 organized on behalf of or controlled by a member of the General
16 Assembly if the contracting entity is currently a party to any
17 contract with that member of the General Assembly that was not
18 competitively bid.

19 Section 1-15. Violation. Any contract entered into in
20 violation of this Article may be declared void by the member of
21 the General Assembly who executed the contract or his or her
22 successor or by the Comptroller, with the approval of the
23 Attorney General.

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ARTICLE 5

2

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

4

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

5

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

9

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

11

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

15

(3) collective bargaining contracts;

16

(4) purchase of real estate; or

17

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

19

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

21

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

23

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

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

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

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

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

1 (10 ILCS 5/9-7.15 new)

2 Sec. 9-7.15. Contractor contributions.

3 (a) As of the effective date of this amendatory Act of the
4 95th General Assembly, a member of the General Assembly, a
5 State executive branch constitutional officer, a candidate for
6 the office of State executive branch constitutional officer or
7 member of the General Assembly, or a political committee
8 organized on behalf of or controlled by the office holder or
9 candidate shall not accept contributions from:

10 (1) A State contractor to whom that office holder or
11 candidate has awarded or signed a contract within the past
12 48 months that was not competitively bid;

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

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

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

21 (C) any State, local, or federal political
22 committee that makes or may make political
23 contributions on behalf of or at the direction of the
24 contractor;

25 (D) any persons or the spouse or children of
26 persons who (i) have an ownership or distributive

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

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:

1 (15 ILCS 20/50-25 new)

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

3 (a) For purposes of this Section:

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

8 (1) contracts with State agencies or officers or other
9 political subdivisions;

10 (2) hiring of an individual as an employee or
11 independent contractor, whether pursuant to an employment
12 code or policy or by contract directly with that
13 individual;

14 (3) collective bargaining contracts;

15 (4) purchase of real estate; or

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

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

20 "Entities and persons related to the contracting entity"
21 includes the following:

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

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

26 (3) any State, local, or federal political committee

1 that makes or may make political contributions on behalf of
2 or at the direction of the contracting entity; and

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

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

23 (b) The Office of the Governor shall not enter into any
24 contract that is not competitively bid with a contracting
25 entity if that contracting entity or entities and persons
26 related to the contracting entity have made a political

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

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

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

17 (15 ILCS 205/6.10 new)

18 Sec. 6.10. Attorney General's No Bid, No Contribution
19 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 Attorney General, with
23 any value, except, regardless of amount, "contract" as used in
24 this Section shall not include the following:

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

3 (2) hiring of an individual as an employee or
4 independent contractor, whether pursuant to an employment
5 code or policy or by contract directly with that
6 individual;

7 (3) collective bargaining contracts;

8 (4) purchase of real estate; or

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

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

13 "Entities and persons related to the contracting entity"
14 includes the following:

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

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

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

22 (4) any persons or the spouse or children of persons
23 who (i) have an ownership or distributive income share in
24 the contracting entity that is in excess of 5%, or an
25 amount greater than 60% of the annual salary of the
26 Governor; (ii) serve as executive officers of the

1 contracting entity; (iii) are employed by the contracting
2 entity who are required to register as lobbyists under the
3 Lobbyist Registration Act; (iv) are individuals or
4 entities with whom the contracting entity is contracting
5 who are required to register as lobbyists under the
6 Lobbyist Registration Act; and (v) are employed by the
7 contracting entity who are special government agents as
8 defined in item (1) of Section 4A-101 of the Illinois
9 Governmental Ethics Act (5 ILCS 420/4A-101).

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

16 (b) The Office of the Attorney General shall not enter into
17 any contract that is not competitively bid with a contracting
18 entity if that contracting entity or entities and persons
19 related to the contracting entity have made a political
20 contribution to a political committee organized on behalf of or
21 controlled by the individual then serving as Attorney General
22 within the 48 months prior to selection of the contracting
23 entity. No contracting entity or entities and persons related
24 to a contracting entity shall make a political contribution to
25 any political committee organized on behalf of or controlled by
26 the person then serving as Attorney General if the contracting

1 entity is currently a party to any contract with the Office of
2 the Attorney General awarded by the current office holder that
3 was not competitively bid.

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

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

10 (15 ILCS 305/30 new)

11 Sec. 30. Secretary of State's No Bid, No Contribution
12 Contracts.

13 (a) For purposes of this Section:

14 "Contract" means any contract or agreement for goods or
15 services executed by the Office of the Secretary of State, with
16 any value, except, regardless of amount, "contract" as used in
17 this Section shall 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;

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

1 defined in item (1) of Section 4A-101 of the Illinois
2 Governmental Ethics Act (5 ILCS 420/4A-101).

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

9 (b) The Office of the Secretary of State shall not enter
10 into any contract that is not competitively bid with a
11 contracting entity if that contracting entity or entities and
12 persons related to the contracting entity have made a political
13 contribution to a political committee organized on behalf of or
14 controlled by the individual then serving as Secretary of State
15 within the 48 months prior to selection of the contracting
16 entity. No contracting entity or entities and persons related
17 to a contracting entity shall make a political contribution to
18 any political committee organized on behalf of or controlled by
19 the person then serving as Secretary of State if the
20 contracting entity is currently a party to any contract with
21 the Office of the Secretary of State awarded by the current
22 office holder that was not competitively bid.

23 (c) Any contract entered into in violation of this Section
24 may be declared void by the officer who executed the contract
25 or his or her successor or by the Comptroller, with the
26 approval of the Treasurer.

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

3 (15 ILCS 405/40 new)

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

5 (a) For purposes of this Section:

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

10 (1) contracts with State agencies or officers or other
11 political subdivisions;

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

16 (3) collective bargaining contracts;

17 (4) purchase of real estate; or

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

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

22 "Entities and persons related to the contracting entity"
23 includes the following:

24 (1) any entity that is a parent of, or owns a

1 controlling interest in, the contracting entity;

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

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

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

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).

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

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

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

21 (15 ILCS 505/25 new)

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

23 (a) For purposes of this Section:

24 "Contract" means any contract or agreement for goods or

1 services executed by the Office of the Treasurer, with any
2 value, except, regardless of amount, "contract" as used in this
3 Section shall not include the following:

4 (1) contracts with State agencies or officers or other
5 political subdivisions;

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

9 (3) collective bargaining contracts;

10 (4) purchase of real estate; or

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

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

15 "Entities and Persons Related to the Contracting Entity"
16 includes the following:

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

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

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

24 (4) any persons or the spouse or children of persons
25 who (i) have an ownership or distributive income share in
26 the contracting entity that is in excess of 5%, or an

1 amount greater than 60% of the annual salary of the
2 Governor; (ii) serve as executive officers of the
3 contracting entity; (iii) are employed by the contracting
4 entity who are required to register as lobbyists under the
5 Lobbyist Registration Act; (iv) are individuals or
6 entities with whom the contracting entity is contracting
7 who are required to register as lobbyists under the
8 Lobbyist Registration Act; and (v) are employed by the
9 contracting entity who are special government agents as
10 defined in item (1) of Section 4A-101 of the Illinois
11 Governmental Ethics Act (5 ILCS 420/4A-101).

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

18 (b) The Office of the Treasurer shall not enter into any
19 contract that is not competitively bid with a contracting
20 entity if that contracting entity or entities and persons
21 related to the contracting entity have made a political
22 contribution to a political committee organized on behalf of or
23 controlled by the individual then serving as Treasurer within
24 the 48 months prior to selection of the contracting entity. No
25 contracting entity or entities and persons related to a
26 contracting entity shall make a political contribution to any

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

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

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

12 (30 ILCS 500/50-37 new)

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

14 (a) For purposes of this Section:

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

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

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

- 1 (3) collective bargaining contracts;
2 (4) purchase of real estate; or
3 (5) contracts necessary to prepare for anticipated
4 litigation, enforcement actions or investigations.

5 "Contracting entity" means an entity that may execute a
6 contract with the State agency.

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

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

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

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

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

1 contracting entity who are special government agents as
2 defined in item (1) of Section 4A-101 of the Illinois
3 Governmental Ethics Act (5 ILCS 420/4A-101).

4 "Competitively bid" means procurement under the
5 competitive sealed bidding requirements set forth in Articles
6 20, 25, and 30 of the Illinois Procurement Code (but does not
7 include procurement under Article 35 of the Illinois
8 Procurement Code).

9 (b) A State agency shall not enter into any contract that
10 is not competitively bid with a contracting entity if that
11 contracting entity or entities and persons related to the
12 contracting entity have made a political contribution to a
13 political committee organized on behalf of or controlled by the
14 individual then serving as Governor within the 48 months prior
15 to selection of the contracting entity. No contracting entity
16 or entities and persons related to a contracting entity shall
17 make a political contribution to any political committee
18 organized on behalf of or controlled by the individual then
19 serving as Governor if the contracting entity is currently a
20 party to any contract with a State agency awarded by a State
21 agency during the term of office of the individual then serving
22 as Governor that was not competitively bid.

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

1

ARTICLE 99

2

Section 99-5. Effective date. This Act takes effect upon

3

becoming law.