



Sen. James A. DeLeo

Filed: 9/22/2008

09500SB0780sam001

LRB095 05437 JAM 52945 a

1 AMENDMENT TO SENATE BILL 780

2 AMENDMENT NO. _____. Amend Senate Bill 780 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Sections 4A-102 and 4A-103 and by adding Section
6 2-106 as follows:

7 (5 ILCS 420/2-106 new)

8 Sec. 2-106. Dual employment. No member of the General
9 Assembly, during the term for which he has been elected or
10 appointed, may be employed by the State, a municipality, or
11 unit of local government. This prohibition does not extend to
12 employment as an elected official, firefighter, police
13 officer, school counselor, teacher, or university instructor.

14 As used in this Section:

15 "Elected official" means any individual who was
16 elected to an office in an election certified by the State

1 Board of Elections.

2 "Firefighter" means an individual employed by a fire
3 service.

4 "Police officer" means an individual employed in a
5 regularly constituted police department appointed and
6 sworn or designated by law as a peace officer.

7 "School counselor" has the meaning ascribed to it in
8 Section 10-22.24a of the School Code.

9 "Teacher" means any or all school district employees
10 regularly required to be certified under laws relating to
11 the certification of teachers.

12 "University instructor" means any member of the
13 educational staff of the University of Illinois, Southern
14 Illinois University, Chicago State University, Eastern
15 Illinois University, Governors State University, Illinois
16 State University, Northeastern Illinois University,
17 Northern Illinois University, Western Illinois University,
18 or the Illinois Mathematics and Science Academy whose
19 employment is permanent and continuous or who is employed
20 in a position in which services are expected to be rendered
21 on a continuous basis for at least 4 months or one academic
22 term, whichever is less.

23 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

24 Sec. 4A-102. The statement of economic interests required
25 by this Article shall include the economic interests of the

1 person making the statement as provided in this Section. The
2 interest (if constructively controlled by the person making the
3 statement) of a spouse or any other party, shall be considered
4 to be the same as the interest of the person making the
5 statement. Campaign receipts shall not be included in this
6 statement.

7 (a) The following interests shall be listed by all persons
8 required to file:

9 (1) The name, address and type of practice of any
10 professional organization or individual professional
11 practice in which the person making the statement was an
12 officer, director, associate, partner or proprietor, or
13 served in any advisory capacity, from which income in
14 excess of \$1200 was derived during the preceding calendar
15 year;

16 (2) The nature of professional services (other than
17 services rendered to the unit or units of government in
18 relation to which the person is required to file) and the
19 nature of the entity to which they were rendered if fees
20 exceeding \$5,000 were received during the preceding
21 calendar year from the entity for professional services
22 rendered by the person making the statement.

23 (3) The identity (including the address or legal
24 description of real estate) of any capital asset from which
25 a capital gain of \$5,000 or more was realized in the
26 preceding calendar year.

1 (4) The name of any unit of government which has
2 employed the person making the statement during the
3 preceding calendar year other than the unit or units of
4 government in relation to which the person is required to
5 file.

6 (5) The name of any entity from which a gift or gifts,
7 or honorarium or honoraria, valued singly or in the
8 aggregate in excess of \$500, was received during the
9 preceding calendar year.

10 (b) The following interests shall also be listed by persons
11 listed in items (a) through (f) and item (1) of Section 4A-101:

12 (1) The name and instrument of ownership in any entity
13 doing business in the State of Illinois, in which an
14 ownership interest held by the person at the date of filing
15 is in excess of \$5,000 fair market value or from which
16 dividends of in excess of \$1,200 were derived during the
17 preceding calendar year. (In the case of real estate,
18 location thereof shall be listed by street address, or if
19 none, then by legal description). No time or demand deposit
20 in a financial institution, nor any debt instrument need be
21 listed;

22 (2) Except for professional service entities, the name
23 of any entity and any position held therein from which
24 income of in excess of \$1,200 was derived during the
25 preceding calendar year, if the entity does business in the
26 State of Illinois. No time or demand deposit in a financial

1 institution, nor any debt instrument need be listed.

2 (3) The identity of any compensated lobbyist with whom
3 the person making the statement maintains a close economic
4 association, including the name of the lobbyist and
5 specifying the legislative matter or matters which are the
6 object of the lobbying activity, and describing the general
7 type of economic activity of the client or principal on
8 whose behalf that person is lobbying.

9 (c) The following interests shall also be listed by persons
10 listed in items (g), (h), and (i) of Section 4A-101:

11 (1) The name and instrument of ownership in any entity
12 doing business with a unit of local government in relation
13 to which the person is required to file if the ownership
14 interest of the person filing is greater than \$5,000 fair
15 market value as of the date of filing or if dividends in
16 excess of \$1,200 were received from the entity during the
17 preceding calendar year. (In the case of real estate,
18 location thereof shall be listed by street address, or if
19 none, then by legal description). No time or demand deposit
20 in a financial institution, nor any debt instrument need be
21 listed.

22 (2) Except for professional service entities, the name
23 of any entity and any position held therein from which
24 income in excess of \$1,200 was derived during the preceding
25 calendar year if the entity does business with a unit of
26 local government in relation to which the person is

1 required to file. No time or demand deposit in a financial
2 institution, nor any debt instrument need be listed.

3 (3) The name of any entity and the nature of the
4 governmental action requested by any entity which has
5 applied to a unit of local government in relation to which
6 the person must file for any license, franchise or permit
7 for annexation, zoning or rezoning of real estate during
8 the preceding calendar year if the ownership interest of
9 the person filing is in excess of \$5,000 fair market value
10 at the time of filing or if income or dividends in excess
11 of \$1,200 were received by the person filing from the
12 entity during the preceding calendar year.

13 (d) The following interests shall also be listed by persons
14 listed in item (a) of Section 4A-101:

15 (1) the name of each client or entity on behalf of whom
16 the individual filing the statement or his or her spouse
17 personally engaged in lobbying or a representation case in
18 the preceding 12 months, for which compensation in excess
19 of \$5,000 was received by either the individual filing the
20 statement or his or her spouse, or by any other entity in
21 which the individual filing the statement or his or her
22 spouse was an officer, director, associate, partner,
23 member, proprietor, or served in an advisory capacity;

24 (2) the name of each client or entity that retained,
25 hired, or otherwise engaged an entity in which the
26 individual filing the statement or his or her spouse has an

1 ownership interest in excess of 7 1/2%, for the purpose of
2 lobbying or a representation case in the preceding 12
3 months, for which compensation in excess of \$5,000 was
4 received by the entity; and

5 (3) the name of each client or entity that retained,
6 hired, or otherwise engaged any entity for the purpose of
7 lobbying or a representation case in the preceding 12
8 months, as a result of which the individual filing the
9 statement or his or her spouse received financial
10 compensation in excess of \$5,000.

11 For each client or entity listed pursuant to this
12 subsection, the exact amount of compensation received from
13 services rendered in connection with the lobbying or
14 representation case listed, and the identity of the unit of
15 government before which such services were rendered.

16 As used in this subsection:

17 "Lobbying" means communicating with representatives of
18 a municipality, unit of local government, State agency, or
19 the General Assembly for the ultimate purpose of
20 influencing executive, legislative, or administrative
21 action. "Lobbying" does not include communications with a
22 State agency, a municipality, a unit of local government,
23 or a member of the General Assembly made in the course of a
24 member of the General Assembly's legislative duties.

25 "Representation case" means the representation of any
26 person, client, or principal in any matter before any State

1 agency, municipality, or unit of local government where the
2 action or non-action of the State agency, municipality, or
3 unit of local government involves the exercise of
4 discretion. For purposes of this subsection,
5 "representation case" does not include (i) the
6 professional representation of any person, client, or
7 principal in any matter before any court created under
8 Article VI of the Constitution of the State of Illinois or
9 any court created under Article III of the Constitution of
10 the United States, or (ii) inquiries for information or
11 other services rendered in a legislative capacity on behalf
12 of a constituent or other member of the public.

13 (Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

14 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

15 Sec. 4A-103. The statement of economic interests required
16 by this Article to be filed with the Secretary of State shall
17 be filled in by typewriting or hand printing, shall be
18 verified, dated, and signed by the person making the statement
19 and shall contain substantially the following:

20 STATEMENT OF ECONOMIC INTEREST

21 (TYPE OR HAND PRINT)

22

23 (name)

24

25 (each office or position of employment for which this statement

1 is filed)

2

3 (full mailing address)

4 GENERAL DIRECTIONS:

5 The interest (if constructively controlled by the person
6 making the statement) of a spouse or any other party, shall be
7 considered to be the same as the interest of the person making
8 the statement.

9 Campaign receipts shall not be included in this statement.

10 If additional space is needed, please attach supplemental
11 listing.

12 1. List the name and instrument of ownership in any entity
13 doing business in the State of Illinois, in which the ownership
14 interest held by the person at the date of filing is in excess
15 of \$5,000 fair market value or from which dividends in excess
16 of \$1,200 were derived during the preceding calendar year. (In
17 the case of real estate, location thereof shall be listed by
18 street address, or if none, then by legal description.) No time
19 or demand deposit in a financial institution, nor any debt
20 instrument need be listed.

21 Business Entity	Instrument of Ownership
22
23
24
25

26 2. List the name, address and type of practice of any

1 professional organization in which the person making the
 2 statement was an officer, director, associate, partner or
 3 proprietor or served in any advisory capacity, from which
 4 income in excess of \$1,200 was derived during the preceding
 5 calendar year.

6	Name	Address	Type of Practice
7
8
9

10 3. List the nature of professional services rendered (other
 11 than to the State of Illinois) to each entity from which income
 12 exceeding \$5,000 was received for professional services
 13 rendered during the preceding calendar year by the person
 14 making the statement.

15
 16

17 4. List the identity (including the address or legal
 18 description of real estate) of any capital asset from which a
 19 capital gain of \$5,000 or more was realized during the
 20 preceding calendar year.

21
 22

23 5. List the identity of any compensated lobbyist with whom
 24 the person making the statement maintains a close economic
 25 association, including the name of the lobbyist and specifying
 26 the legislative matter or matters which are the object of the

1 lobbying activity, and describing the general type of economic
2 activity of the client or principal on whose behalf that person
3 is lobbying.

4 Lobbyist	Legislative Matter	Client or Principal
5
6

7 6. List the name of any entity doing business in the State
8 of Illinois from which income in excess of \$1,200 was derived
9 during the preceding calendar year other than for professional
10 services and the title or description of any position held in
11 that entity. (In the case of real estate, location thereof
12 shall be listed by street address, or if none, then by legal
13 description). No time or demand deposit in a financial
14 institution nor any debt instrument need be listed.

15 Entity	Position Held
16
17
18

19 7. List the name of any unit of government which employed
20 the person making the statement during the preceding calendar
21 year other than the unit or units of government in relation to
22 which the person is required to file.

23
24

25 8. List the name of any entity from which a gift or gifts,
26 or honorarium or honoraria, valued singly or in the aggregate

1 in excess of \$500, was received during the preceding calendar
2 year.

3 9. For members of the General Assembly and candidates for
4 membership in the General Assembly, list the name of each
5 client or entity on behalf of whom the individual filing the
6 statement or his or her spouse personally engaged in lobbying
7 or a representation case in the preceding 12 months, for which
8 compensation in excess of \$5,000 was rendered to either the
9 individual filing the statement or his or her spouse, or to any
10 other entity in which the individual filing the statement or
11 his or her spouse was an officer, director, associate, partner,
12 member, proprietor, or served in an advisory capacity. This
13 includes the name of the unit of government before which the
14 services were rendered, as well as the exact amount of
15 compensation received from services rendered.

16 For purposes of this statement, "lobbying" and
17 "representation case" have the meanings ascribed to those terms
18 in Section 4A-102 of the Illinois Governmental Ethics Act.

<u>Client/Entity</u>	<u>Unit of Government</u>	<u>Amount</u>
.....
.....
.....

23 10. For members of the General Assembly and candidates for
24 membership in the General Assembly, list the name of each
25 client or entity that retained, hired, or otherwise engaged an
26 entity in which the individual filing the statement or his or

1 her spouse has an ownership interest in excess of 7 1/2%, for
 2 the purpose of lobbying or a representation case in the
 3 preceding 12 months, for compensation in excess of \$5,000. This
 4 includes the name of the unit of government before which the
 5 services were rendered, as well as the exact amount of
 6 compensation received from services rendered.

7 For purposes of this statement, "lobbying" and
 8 "representation case" have the meanings ascribed to those terms
 9 in Section 4A-102 of the Illinois Governmental Ethics Act.

<u>Client/Entity</u>	<u>Unit of Government</u>	<u>Amount</u>
.....
.....
.....

14 11. For members of the General Assembly and candidates for
 15 membership in the General Assembly, list the name of each
 16 client or entity that retained, hired, or otherwise engaged any
 17 entity for the purpose of lobbying or a representation case in
 18 the preceding 12 months, as a result of which the individual
 19 filing this statement or his or her spouse received financial
 20 compensation in excess of \$5,000. This includes the name of the
 21 unit of government before which the services were rendered, as
 22 well as the exact amount of compensation received from services
 23 rendered.

24 For purposes of this statement, "lobbying" and
 25 "representation case" have the meanings ascribed to those terms
 26 in Section 4A-102 of the Illinois Governmental Ethics Act.

<u>Client/Entity</u>	<u>Unit of Government</u>	<u>Amount</u>
.....
.....
.....

5 VERIFICATION:

6 "I declare that this statement of economic interests
7 (including any accompanying schedules and statements) has been
8 examined by me and to the best of my knowledge and belief is a
9 true, correct and complete statement of my economic interests
10 as required by the Illinois Governmental Ethics Act. I
11 understand that the penalty for willfully filing a false or
12 incomplete statement shall be a fine not to exceed \$1,000 or
13 imprisonment in a penal institution other than the penitentiary
14 not to exceed one year, or both fine and imprisonment."

15
16 (date of filing) (signature of person making the statement)
17 (Source: P.A. 95-173, eff. 1-1-08.)

18 Section 10. The Election Code is amended by adding Section
19 9-35 as follows:

20 (10 ILCS 5/9-35 new)
21 Sec. 9-35. Registration of business entities.
22 (a) This Section governs the procedures for the
23 registration required under Section 20-160 of the Illinois
24 Procurement Code.

1 For the purposes of this Section, the terms "officeholder",
2 "State contract", "business entity", "State agency",
3 "affiliated entity", and "affiliated person" have the meanings
4 ascribed to those terms in Section 50-37 of the Illinois
5 Procurement Code.

6 (b) Registration under Section 20-160 of the Illinois
7 Procurement Code, and any changes to that registration, must be
8 made electronically. The State Board of Elections by rule shall
9 provide for electronic registration, which must contain
10 substantially the following:

11 (1) The name and address of the business entity.

12 (2) The name and address of any affiliated entity of
13 the business entity, including a description of the
14 affiliation.

15 (3) The name and address of any affiliated person of
16 the business entity, including a description of the
17 affiliation.

18 (c) The Board shall provide a certificate of registration
19 to the business entity. The certificate shall be electronic and
20 accessible to the business entity through the State Board of
21 Elections' website and protected by a password.

22 (d) Any business entity required to register under Section
23 20-160 of the Illinois Procurement Code shall provide a copy of
24 the registration certificate, by first class mail or hand
25 delivery within 10 days after registration, to each affiliated
26 entity or affiliated person whose identity is required to be

1 disclosed. Failure to provide notice to an affiliated entity or
2 affiliated person is a business offense for which the business
3 entity is subject to a fine not to exceed \$1,001.

4 (e) In addition to any penalty under Section 20-160 of the
5 Illinois Procurement Code, intentional, willful, or material
6 failure to disclose information required for registration is
7 subject to a civil penalty imposed by the State Board of
8 Elections. The State Board shall impose a civil penalty of
9 \$1,000 per business day for failure to update a registration.

10 (f) Any business entity required to register under Section
11 20-160 of the Illinois Procurement Code shall notify any
12 political committee to which it makes a contribution, at the
13 time of the contribution, that the business entity is
14 registered with the State Board of Elections under Section
15 20-160 of the Illinois Procurement Code. Any affiliated entity
16 or affiliated person of a business entity required to register
17 under Section 20-160 of the Illinois Procurement Code shall
18 notify any political committee to which it makes a contribution
19 that it is affiliated with a business entity registered with
20 the State Board of Elections under Section 20-160 of the
21 Illinois Procurement Code.

22 (g) The State Board of Elections on its official website
23 shall have a searchable database containing (i) all information
24 required to be submitted to the Board under Section 20-160 of
25 the Illinois Procurement Code and (ii) all reports filed under
26 this Article with the State Board of Elections by all political

1 committees. For the purposes of databases maintained by the
2 State Board of Elections, "searchable" means able to search by
3 "political committee", as defined in this Article, and by
4 "officeholder", "State agency", "business entity", "affiliated
5 entity", and "affiliated person". The Board shall not place the
6 name of a minor child on the website. However, the Board shall
7 provide a link to all contributions made by anyone reporting
8 the same residential address as any affiliated person. In
9 addition, the State Board of Elections on its official website
10 shall provide an electronic connection to any searchable
11 database of State contracts maintained by the Comptroller,
12 searchable by business entity.

13 (h) The State Board of Elections shall have rulemaking
14 authority to implement this Section.

15 Section 15. The Compensation Review Act is amended by
16 changing Sections 4 and 5 as follows:

17 (25 ILCS 120/4) (from Ch. 63, par. 904)

18 Sec. 4. Meetings of the Board; determining compensation;
19 public hearings; reports. The Board shall meet as often as may
20 be necessary and shall determine, upon a vote requiring at
21 least 7 affirmative votes, the compensation for members of the
22 General Assembly, judges, other than the county supplement,
23 State's attorneys, other than the county supplement, the
24 elected constitutional officers of State government, and

1 certain appointed officers of State government.

2 In determining the compensation for each office, the
3 Compensation Review Board shall consider the following
4 factors:

5 (a) the skill required,

6 (b) the time required,

7 (c) the opportunity for other earned income,

8 (d) the value of public services as performed in
9 comparable states,

10 (e) the value of such services as performed in the
11 private sector in Illinois and comparable states based on
12 the responsibility and discretion required in the office,

13 (f) the average consumer prices commonly known as the
14 cost of living,

15 (g) the overall compensation presently received by the
16 public officials and all other benefits received,

17 (h) the interests and welfare of the public and the
18 financial ability of the State to meet those costs, and

19 (i) such other factors, not confined to the foregoing,
20 which are normally or traditionally taken into
21 consideration in the determination of such compensation.

22 The Board shall conduct public hearings prior to filing its
23 reports ~~report~~.

24 At the public hearings, the Board shall allow interested
25 persons to present their views and comments. The Board may
26 prescribe reasonable rules for the conduct of public hearings,

1 to prevent undue repetition. The meetings of the Board are
2 subject to the Open Meetings Act.

3 The Board shall propose (i) one ~~file an initial~~ report with
4 respect to all offices and positions, except judges and State's
5 attorneys (known as "report A") and (ii) one report with
6 respect to judges and State's attorneys (known as "report B").
7 The Board shall file the reports with the House of
8 Representatives, the Senate, the Comptroller and the Secretary
9 of State. ~~Subsequent reports shall be filed therewith~~ before
10 April 1 in each even-numbered year. Report A shall state
11 ~~thereafter stating~~ the annual salary for all offices and
12 positions, except judges and State's attorneys, for which the
13 Board files reports. Report B shall state ~~members of the~~
14 ~~General Assembly, the elected State constitutional officers~~
15 ~~and certain appointed State officers and compensated employees~~
16 ~~and members of certain State departments, agencies, boards and~~
17 ~~commissions whose terms begin in the next calendar year;~~ the
18 annual salary for State's attorneys; ~~and the annual salary for~~
19 ~~the Auditor General~~ and for Supreme Court, Appellate Court,
20 Circuit Court and Associate judges. If a ~~the~~ report increases
21 the annual salary of judges, State's attorneys, and the Auditor
22 General, such increase shall take effect when the report is
23 approved ~~as soon as the time period for disapproval or~~
24 ~~reduction,~~ as provided in subsection (b) of Section 5, ~~has~~
25 ~~expired.~~

26 The salaries in a ~~the~~ report or as reduced by the General

1 Assembly, other than for judges, State's attorneys, and the
2 Auditor General, shall take effect as provided by law.

3 (Source: P.A. 90-375, eff. 8-14-97; 91-798, eff. 7-9-00.)

4 (25 ILCS 120/5) (from Ch. 63, par. 905)

5 Sec. 5. (a) If the Board fails to recommend a change in
6 salary or the General Assembly does not approve a ~~disapproves~~
7 ~~the~~ report as provided in subsection (b), and a new term for
8 any officer provided for in this Act begins, the salary for the
9 new term shall be the same as the salary in effect when the
10 previous term ended.

11 (b) The General Assembly may approve a ~~disapprove the~~
12 report of the Board in whole, or reduce it in whole
13 proportionately, within 30 session days after each house of the
14 legislature next convenes after the report is filed, by
15 adoption of a resolution by a record vote of the majority of
16 the members elected in each house directed to the Board. Such
17 resolution shall be binding upon the Board. A resolution may
18 approve or reduce no more than one report, and no more than one
19 resolution may be adopted by a single vote.

20 ~~For the initial report filed by the Board after this Act~~
21 ~~takes effect, the General Assembly may, by January 9, 1985,~~
22 ~~disapprove the report of the Board in whole, or reduce it in~~
23 ~~whole proportionately, after the report is filed, by the~~
24 ~~adoption of a resolution by a record vote of the majority of~~
25 ~~the members.~~

1 (Source: P.A. 83-1177.)

2 Section 20. The Illinois Procurement Code is amended by
3 adding Sections 20-160 and 50-37 as follows:

4 (30 ILCS 500/20-160 new)

5 Sec. 20-160. Business entities; certification;
6 registration with the State Board of Elections.

7 (a) For purposes of this Section, the terms "business
8 entity", "contract", "State contract", "contract with a State
9 agency", "State agency", "affiliated entity", and "affiliated
10 person" have the meanings ascribed to those terms in Section
11 50-37.

12 (b) Every bid submitted to and every contract executed by
13 the State on or after the effective date of this amendatory Act
14 of the 95th General Assembly shall contain (1) a certification
15 by the bidder or contractor that either (i) the bidder or
16 contractor is not required to register as a business entity
17 with the State Board of Elections pursuant to this Section or
18 (ii) the bidder or contractor has registered as a business
19 entity with the State Board of Elections and acknowledges a
20 continuing duty to update the registration and (2) a statement
21 that the contract is voidable under Section 50-60 for the
22 bidder's or contractor's failure to comply with this Section.

23 (c) Within 30 days after the effective date of this
24 amendatory Act of the 95th General Assembly, each business

1 entity (i) whose aggregate bids and proposals on State
2 contracts annually total more than \$50,000, (ii) whose
3 aggregate bids and proposals on State contracts combined with
4 the business entity's aggregate annual total value of State
5 contracts exceed \$50,000, or (iii) whose contracts with State
6 agencies, in the aggregate, annually total more than \$50,000
7 shall register with the State Board of Elections in accordance
8 with Section 9-35 of the Election Code. A business entity
9 required to register under this subsection shall submit a copy
10 of the certificate of registration to the applicable chief
11 procurement officer within 90 days after the effective date of
12 this amendatory Act of the 95th General Assembly. A business
13 entity required to register under this subsection due to item
14 (i) or (ii) has a continuing duty to ensure that the
15 registration is accurate during the period beginning on the
16 date of registration and ending on the day after the date the
17 contract is awarded; any change in information must be reported
18 to the State Board of Elections within 2 business days
19 following such change. A business entity required to register
20 under this subsection due to item (iii) has a continuing duty
21 to ensure that the registration is accurate in accordance with
22 subsection (f).

23 (d) Any business entity, not required under subsection (c)
24 to register within 30 days after the effective date of this
25 amendatory Act of the 95th General Assembly, whose aggregate
26 bids and proposals on State contracts annually total more than

1 \$50,000, or whose aggregate bids and proposals on State
2 contracts combined with the business entity's aggregate annual
3 total value of State contracts exceed \$50,000, shall register
4 with the State Board of Elections in accordance with Section
5 9-35 of the Election Code prior to submitting to a State agency
6 the bid or proposal whose value causes the business entity to
7 fall within the monetary description of this subsection. A
8 business entity required to register under this subsection has
9 a continuing duty to ensure that the registration is accurate
10 during the period beginning on the date of registration and
11 ending on the day after the date the contract is awarded. Any
12 change in information must be reported to the State Board of
13 Elections within 2 business days following such change.

14 (e) A business entity whose contracts with State agencies,
15 in the aggregate, annually total more than \$50,000 must
16 maintain its registration under this Section and has a
17 continuing duty to ensure that the registration is accurate for
18 the duration of the term of office of the incumbent
19 officeholder awarding the contracts or for a period of 2 years
20 following the expiration or termination of the contracts,
21 whichever is longer. Any change in information shall be
22 reported to the State Board of Elections within 10 days
23 following such change; however, if a business entity required
24 to register under this subsection has a pending bid or
25 proposal, any change in information shall be reported to the
26 State Board of Elections within 2 business days.

1 (f) A business entity's continuing duty under this Section
2 to ensure the accuracy of its registration includes the
3 requirement that the business entity notify the State Board of
4 Elections of any change in information, including but not
5 limited to changes of affiliated entities or affiliated
6 persons.

7 (g) A copy of a certificate of registration must accompany
8 any bid or proposal for a contract with a State agency by a
9 business entity required to register under this Section. A
10 chief procurement officer shall not accept a bid or proposal
11 unless the certificate is submitted to the agency with the bid
12 or proposal.

13 (h) A registration, and any changes to a registration, must
14 include the business entity's verification of accuracy and
15 subjects the business entity to the penalties of the laws of
16 this State for perjury.

17 In addition to any penalty under Section 9-35 of the
18 Election Code, intentional, willful, or material failure to
19 disclose information required for registration shall render
20 the contract, bid, proposal, or other procurement relationship
21 voidable by the chief procurement officer if he or she deems it
22 to be in the best interest of the State of Illinois.

23 (i) This Section applies regardless of the method of source
24 selection used in awarding the contract.

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

2 (a) As used in this Section:

3 The terms "contract", "State contract", and "contract
4 with a State agency" each mean any contract, as defined in
5 this Code, between a business entity and a State agency let
6 or awarded pursuant to this Code. The terms "contract",
7 "State contract", and "contract with a State agency" do not
8 include cost reimbursement contracts; purchase of care
9 agreements as defined in Section 1-15.68 of this Code;
10 grants, including but are not limited to grants for job
11 training or transportation; and grants, loans, or tax
12 credit agreements for economic development purposes.

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

15 "Declared candidate" means a person who has filed a
16 statement of candidacy and petition for nomination or
17 election in the principal office of the State Board of
18 Elections.

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

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

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 contracts by all officers and employees of, and vendors and
12 others doing business with, executive branch State
13 agencies under the jurisdiction of the Executive Ethics
14 Commission and not within the jurisdiction of the Attorney
15 General, the Secretary of State, the Comptroller, or the
16 Treasurer.

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

19 "Affiliated person" means (i) any person with any
20 ownership interest or distributive share of the bidding or
21 contracting business entity in excess of 7.5%, (ii)
22 executive employees of the bidding or contracting business
23 entity, and (iii) the spouse and minor children of any such
24 persons.

25 "Affiliated entity" means (i) any subsidiary of the
26 bidding or contracting business entity, (ii) any member of

1 the same unitary business group, (iii) any organization
2 recognized by the United States Internal Revenue Service as
3 a tax-exempt organization described in Section 501(c) of
4 the Internal Revenue Code of 1986 (or any successor
5 provision of federal tax law) established by the bidding or
6 contracting business entity, any affiliated entity of that
7 business entity, or any affiliated person of that business
8 entity, or (iv) any political committee for which the
9 bidding or contracting business entity, or any 501(c)
10 organization described in item (iii) related to that
11 business entity, is the sponsoring entity.

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

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

23 (b) Any business entity whose contracts with State
24 agencies, in the aggregate, annually total more than \$50,000,
25 and any affiliated entities or affiliated persons of such
26 business entity, are prohibited from making any contributions

1 to (i) any political committees established to promote the
2 candidacy of an officeholder or declared candidate for that
3 office, (ii) any political committees established to promote
4 the candidacy of any member of the General Assembly or declared
5 candidate for membership in the General Assembly, or (iii) any
6 political committee of a state central committee of any
7 political party that is represented by an officeholder or
8 member of the General Assembly or a declared candidate for that
9 office or membership in the General Assembly. This prohibition
10 shall be effective for the duration of the term of the contract
11 and for a period of 2 years following the expiration or
12 termination of the contracts.

13 (c) Any business entity whose aggregate pending bids and
14 proposals on State contracts total more than \$50,000, or whose
15 aggregate pending bids and proposals on State contracts
16 combined with the business entity's aggregate annual total
17 value of State contracts exceed \$50,000, and any affiliated
18 entities or affiliated persons of such business entity, are
19 prohibited from making any contributions to (i) any political
20 committee established to promote the candidacy of any
21 officeholder or declared candidate for that office, (ii) any
22 political committee established to promote the candidacy of any
23 member of the General Assembly or declared candidate for
24 membership in the General Assembly, or (iii) any political
25 committee of a state central committee of any political party
26 that is represented by an officeholder or member of the General

1 Assembly or a declared candidate for that office or membership
2 in the General Assembly. This prohibition shall be effective
3 during the period beginning on the date the invitation for bids
4 or request for proposals is issued and ending on the day after
5 the date the contract is awarded.

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

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

25 (f) Nothing in this Section shall prohibit an individual
26 from making a contribution to a political committee established

1 to promote his or her own candidacy for office or for
2 membership in the General Assembly.

3 (g) This Section shall not apply in circumstances when it
4 is determined by the federal government or a court of competent
5 jurisdiction that its application would violate federal law or
6 regulation or otherwise prevent the State's receipt of federal
7 funds.

8 Section 97. Severability. If the provisions of this Act or
9 its application to any person or circumstance is held invalid,
10 the invalidity of that provision or application does not affect
11 the other provisions or applications of this Act that can be
12 given effect without the invalid provision or application.".