



Sen. Don Harmon

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09500HB0824sam003

LRB095 10469 JAM 40148 a

1 AMENDMENT TO HOUSE BILL 824

2 AMENDMENT NO. _____. Amend House Bill 824 by replacing
3 everything after the enacting clause with the following:

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

6 (30 ILCS 500/50-37 new)

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

8 (a) As used in this Section:

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

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

1 agencies under the jurisdiction of the Executive Ethics
2 Commission and not within the jurisdiction of the Attorney
3 General, the Secretary of State, the Comptroller, or the
4 Treasurer.

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

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

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

18 "Business entity" means any entity doing business for
19 profit, whether organized as a corporation, partnership,
20 sole proprietorship, limited liability company or
21 partnership, or otherwise.

22 "Executive employee" means the President, Chairman,
23 Chief Executive Officer, or other employee with executive
24 decision-making authority over the long-term and
25 day-to-day affairs of the entity employing the employee, or
26 an employee whose compensation is determined directly, in

1 whole or in part, by the award or payment of contracts by a
2 State agency to the entity employing the employee.

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

7 (b) Any business entity whose contracts with State
8 agencies, in the aggregate, annually total more than \$50,000
9 and any affiliated entities of such business entity are
10 prohibited from making any contributions to any political
11 committees established to promote the candidacy of the
12 officeholder responsible for awarding the contracts or of any
13 other declared candidate for that office. This prohibition
14 shall be effective for the duration of the term of office of
15 the incumbent officeholder awarding the contracts or for a
16 period of 2 years following the expiration or termination of
17 the contracts, whichever is longer. Affiliated persons of any
18 business whose contracts with State agencies, in the aggregate,
19 annually total more than \$50,000 are prohibited from making any
20 contributions in excess of \$500 in the aggregate in any
21 semi-annual reporting period to any political committees
22 established to promote the candidacy of the officeholder
23 responsible for awarding the contracts or of any other declared
24 candidate for that office.

25 (c) Any business entity whose aggregate pending bids and
26 proposals on State contracts total more than \$50,000, or whose

1 aggregate pending bids and proposals on State contracts
2 combined with the business entity's aggregate annual total
3 value of State contracts exceed \$50,000, and any affiliated
4 entities of such business entities, are prohibited from making
5 any contributions to any political committee established to
6 promote the candidacy of the officeholder responsible for
7 awarding the contract on which the business entity has
8 submitted a bid or proposal during the period beginning on the
9 date the invitation for bids or request for proposals is issued
10 and ending on the day after the date the contract is awarded.
11 Affiliated persons of any business entity whose aggregate
12 pending bids or proposals on State contracts, in the aggregate,
13 annually total more than \$50,000, or whose aggregate pending
14 bids and proposals on State contracts combined with the
15 business entity's aggregate annual total value of State
16 contracts exceed \$50,000, are prohibited from making any
17 contributions in excess of \$150 to any political committees
18 established to promote the candidacy of the officeholder
19 responsible for awarding the contract on which the business has
20 submitted a bid or proposal during the period beginning on the
21 date the invitation for bids or request for proposals is issued
22 and ending on the day after the date the contract is awarded.

23 (d) All contracts between State agencies and a business
24 entity that violates subsection (b) or (c) shall be voidable
25 under Section 50-60. If a business entity violates subsection
26 (b) 3 or more times within a 36-month period, then all

1 contracts between State agencies and that business entity shall
2 be void, and that business entity shall not bid or respond to
3 any invitation to bid or request for proposals from any State
4 agency or otherwise enter into any contract with any State
5 agency for 3 years from the date of the last violation. A
6 notice of each violation and the penalty imposed shall be
7 published in both the Procurement Bulletin and the Illinois
8 Register.

9 (e) Any political committee that has received a
10 contribution in violation of subsection (b) or (c) shall pay an
11 amount equal to the value of the contribution to the State no
12 more than 30 days after notice of the violation concerning the
13 contribution appears in the Illinois Register. Payments
14 received by the State pursuant to this subsection shall be
15 deposited into the general revenue fund."