



Rep. Lou Lang

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1 AMENDMENT TO HOUSE BILL 3158

2 AMENDMENT NO. _____. Amend House Bill 3158 by replacing
3 everything after the enacting clause with the following:

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

6 (30 ILCS 500/50-37)

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

8 (a) As used in this Section:

9 The terms "contract", "State contract", and "contract
10 with a State agency" each mean any contract, as defined in
11 this Code, between a business entity and a State agency let
12 or awarded pursuant to this Code. The terms "contract",
13 "State contract", and "contract with a State agency" do not
14 include cost reimbursement contracts; purchase of care
15 agreements as defined in Section 1-15.68 of this Code;
16 contracts for projects eligible for full or partial

1 federal-aid funding reimbursements authorized by the
2 Federal Highway Administration; grants, including but are
3 not limited to grants for job training or transportation;
4 and grants, loans, or tax credit agreements for economic
5 development purposes.

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

8 "Declared candidate" means a person who has filed a
9 statement of candidacy and petition for nomination or
10 election in the principal office of the State Board of
11 Elections.

12 "State agency" means and includes all boards,
13 commissions, agencies, institutions, authorities, and
14 bodies politic and corporate of the State, created by or in
15 accordance with the Illinois Constitution or State
16 statute, of the executive branch of State government and
17 does include colleges, universities, public employee
18 retirement systems, and institutions under the
19 jurisdiction of the governing boards of the University of
20 Illinois, Southern Illinois University, Illinois State
21 University, Eastern Illinois University, Northern Illinois
22 University, Western Illinois University, Chicago State
23 University, Governors State University, Northeastern
24 Illinois University, and the Illinois Board of Higher
25 Education.

26 "Officeholder" means the Governor, Lieutenant

1 Governor, Attorney General, Secretary of State,
2 Comptroller, or Treasurer. The Governor shall be
3 considered the officeholder responsible for awarding all
4 contracts by all officers and employees of, and vendors and
5 others doing business with, executive branch State
6 agencies under the jurisdiction of the Executive Ethics
7 Commission and not within the jurisdiction of the Attorney
8 General, the Secretary of State, the Comptroller, or the
9 Treasurer.

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

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

17 "Affiliated person" does not include a person prohibited by
18 federal law from making contributions or expenditures in
19 connection with a federal, state, or local election.

20 "Affiliated entity" means (i) any corporate parent and
21 each operating subsidiary of the bidding or contracting
22 business entity, (ii) each operating subsidiary of the
23 corporate parent of the bidding or contracting business
24 entity, (iii) any organization recognized by the United
25 States Internal Revenue Service as a tax-exempt
26 organization described in Section 501(c) of the Internal

1 Revenue Code of 1986 (or any successor provision of federal
2 tax law) established by the bidding or contracting business
3 entity, any affiliated entity of that business entity, or
4 any affiliated person of that business entity, or (iv) any
5 political committee for which the bidding or contracting
6 business entity, or any 501(c) organization described in
7 item (iii) related to that business entity, is the
8 sponsoring entity. "Affiliated entity" does not include an
9 entity prohibited by federal law from making contributions
10 or expenditures in connection with a federal, state, or
11 local election.

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 (i) the President,
17 Chairman, or Chief Executive Officer of a business entity
18 and any other individual that fulfills equivalent duties as
19 the President, Chairman of the Board, or Chief Executive
20 Officer of a business entity; and (ii) any employee of a
21 business entity whose compensation is determined directly,
22 in whole or in part, by the award or payment of contracts
23 by a State agency to the entity employing the employee. A
24 regular salary that is paid irrespective of the award or
25 payment of a contract with a State agency shall not
26 constitute "compensation" under item (ii) of this

1 definition. "Executive employee" does not include any
2 person prohibited by federal law from making contributions
3 or expenditures in connection with a federal, state, or
4 local election.

5 (b) Any business entity whose contracts with State
6 agencies, in the aggregate, annually total more than \$50,000,
7 and any affiliated entities or affiliated persons of such
8 business entity, are prohibited from making any contributions
9 to any political committees established to promote the
10 candidacy of (i) the officeholder responsible for awarding the
11 contracts or (ii) any other declared candidate for that office.
12 This prohibition shall be effective for the duration of the
13 term of office of the incumbent officeholder awarding the
14 contracts or for a period of 2 years following the expiration
15 or termination of the contracts, whichever is longer.

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

1 for proposals is issued and ending on the day after the date
2 the contract is awarded.

3 (c-5) For the purposes of the prohibitions under
4 subsections (b) and (c) of this Section, (i) any contribution
5 made to a political committee established to promote the
6 candidacy of the Governor or a declared candidate for the
7 office of Governor shall also be considered as having been made
8 to a political committee established to promote the candidacy
9 of the Lieutenant Governor, in the case of the Governor, or the
10 declared candidate for Lieutenant Governor having filed a joint
11 petition, or write-in declaration of intent, with the declared
12 candidate for Governor, as applicable, and (ii) any
13 contribution made to a political committee established to
14 promote the candidacy of the Lieutenant Governor or a declared
15 candidate for the office of Lieutenant Governor shall also be
16 considered as having been made to a political committee
17 established to promote the candidacy of the Governor, in the
18 case of the Lieutenant Governor, or the declared candidate for
19 Governor having filed a joint petition, or write-in declaration
20 of intent, with the declared candidate for Lieutenant Governor,
21 as applicable.

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

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

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

15 (Source: P.A. 95-971, eff. 1-1-09; 95-1038, eff. 3-11-09;
16 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the
17 effective date of changes made by P.A. 96-795); 96-848, eff.
18 1-1-10.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."