

**SB2850**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB2850**

Introduced 2/15/2008, by Sen. Don Harmon

**SYNOPSIS AS INTRODUCED:**

30 ILCS 500/50-37 new

Amends the Illinois Procurement Code. Prohibits campaign contributions from business entities with aggregate State contracts or pending State contract bids of more than \$50,000, or from the affiliated entities of such business entities, to any political committees established to promote the candidacy of the executive branch constitutional officeholder responsible for awarding the contracts or a declared candidate for that office. Limits the campaign contributions from persons affiliated with those business entities to those officeholders and candidates. Specifies the duration of the prohibitions and the penalties for violations.

LRB095 19089 JAM 45291 b

**A BILL FOR**

1 AN ACT concerning procurement.

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

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  
17 agencies under the jurisdiction of the Executive Ethics  
18 Commission and not within the jurisdiction of the Attorney  
19 General, the Secretary of State, the Comptroller, or the  
20 Treasurer.

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

23 "Affiliated person" means (i) any person with any

1 ownership interest or distributive share of the bidding or  
2 contracting business entity in excess of 7.5%, (ii)  
3 executive employees of the bidding or contracting business  
4 entity, and (iii) the spouse and minor children of any such  
5 persons.

6 "Affiliated entity" means (i) any subsidiary of the  
7 bidding or contracting business entity, (ii) any member of  
8 the same unitary business group, or (iii) any political  
9 committee for which the bidding or contracting business  
10 entity is the sponsoring entity.

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

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

22 "Semi-annual reporting period" means the period for  
23 which semi-annual reports of campaign contributions and  
24 expenditures must be made pursuant to Section 9-10(c) of  
25 the Election Code.

26 (b) Any business entity whose contracts with State

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

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

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

16 (d) All contracts between State agencies and a business  
17 entity that violates subsection (b) or (c) shall be voidable  
18 under Section 50-60. If a business entity violates subsection  
19 (b) 3 or more times within a 36-month period, then all  
20 contracts between State agencies and that business entity shall  
21 be void, and that business entity shall not bid or respond to  
22 any invitation to bid or request for proposals from any State  
23 agency or otherwise enter into any contract with any State  
24 agency for 3 years from the date of the last violation. A  
25 notice of each violation and the penalty imposed shall be  
26 published in both the Procurement Bulletin and the Illinois

1 Register.

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