



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3526

Introduced 2/10/2010, 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 500/50-37.5 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.

LRB096 17938 JAM 33306 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(1)).

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.

## 1 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(1)).

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

16           Section 5-15. Violation. Any contract entered into in  
17 violation of this Article may be declared void by the officer  
18 who executed the contract or his or her successor or by the  
19 Comptroller, with the approval of the Attorney General.

20   ARTICLE 90

21           Section 90-2. The Election Code is amended by adding  
22 Section 9-7.15 as follows:

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 96th 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(1)).

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(1)).

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(1)).

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(1)).

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(1)).

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(1)).

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 50-37.5 as follows:

12 (30 ILCS 500/50-37.5 new)

13 Sec. 50-37.5. 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(1)).

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.